DEBATES

OF THE

Houſe of Commons,

From the Year 1667 to the Year 1694.

COLLECTED BY THE

Honble ANCHITELL GREY, Eſq;

WHO WAS

Thirty Years Member for the Town of DERBY;

CHAIRMAN of Several COMMITTEES;

AND

Decyphered COLEMAN's LETTERS for the Uſe of the HOUSE.

In TEN VOLUMES.

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THE DEBATES IN THE House of Commons,

From the Year 1667 *to the Year* 1694.

Thurſday, May 23, 1678.

THE Houſe met according to Prorogation, when the King was pleaſed to ſpeak to both Houſes to this effect:

"That there was great appearance of Peace abroad, but, notwithſtanding that, he thought it reaſonable to keep his land and maritime force on foot, till it was agreed whether it ſhould be Peace or no; but yet ſubmitted that to them, whether they thought it beſt to continue or diſband the army, recommending it to them to conſider how to provide in either caſe; that men of quality and bravery, who had offered themſelves and fortunes ſo freely for their country's ſervice, ſhould not be diſcouraged.

"He told them of a branch of his revenue (meaning the Duty on Wine) which was expiring, and of more he was like to loſe by a clauſe in the Poll Bill;" (which was the prohibition of *French* commodities.) He deſired "they would not drive him into extremities, as that would end ill both for them, and him, and the whole nation." And at laſt he told them, "That he would never hereafter paſs any Bill, be it of ever ſo great importance, that had ſeveral matters tacked together in it." The reſt he left to the Lord Chancellor*.

* The moſt remarkable paſſages in the Lord Chancellor's Speech, (which, according to cuſtom, tended to excuſe the King's meaſures,) may be found in the Notes on *June* 1, when it was taken into conſideration by the Commons.

[The Houſe being returned, after the Speech had been read by the Speaker]

Sir *Winſton Churchill.*] Complained that we cannot follow the Speaker to the Lords Houſe without hazard of our lives, the diſorder is ſo great, by reaſon of crowding. —You, Mr Speaker, tell us many great things, declared from my Lord Chancellor in his Speech. I deſire he would give you the copy of what he ſpoke to us.

Mr *Powle.*] I am one of thoſe that ventured myſelf amongſt the crowd. I am amazed at my Lord Chancellor's Speech. I take it to be an invective againſt what we have done. The higheſt cenſures that I ever heard of! If we are guilty of it, let us lay ourſelves at the King's feet; if not, let us vindicate ourſelves from the reflection. I think he ſays, "The King commanded him to tell you &c." I think more than once, the thing is of great moment, and till we ſee the Chancellor's Speech, we cannot proceed.

Sir *Thomas Meres.*] In a new Seſſion, I would not loſe old Order. Anciently the King's Speech was not read in this Houſe, nor the Chancellor's. But if they be here, I would have them read. If that Speech of the Chancellor's be not ready to be had, you may read a Bill, and appoint Committees. I would have no more of that of the Chancellor's Speech debated upon, leſt we have it not at all. I would read a Bill, till the Chancellor's Speech comes.

Mr Secretary *Coventry.*] The Houſe has no power to ſend for the Chancellor's Speech. But if the Chancellor would impart it, it would give great light to the Houſe; and, in the mean time, I would read a Bill.

Mr *Sacheverell.*] There is not one Speech of two hundred years but the ſubſtance of it is entered in the Lords Journal. And if the Chancellor be not ſo kind as to impart it to you, you may have it in the Lords Books. And if the Chancellor deny it you, I would ſend thither for it.

Mr. *Mallet.*] 'Till you have the Chancellor's Speech, you would do well, I think, to read a Bill to regulate his Court and his Conſcience.

A Bill

A Bill for preventing abuſes in collecting [the duty of] Hearth money was read the firſt time.

A Committee was ordered to inſpect the Lords Journal, and ſee what Entry is there made of the Lord Chancellor's Speech, and to report the matter to the Houſe to-morrow morning.

Friday, May 24.

It was moved to take into conſideration the King's Speech and the Chancellor's Speech, but no Order for it.

Sir *Thomas Lee.*] I hear there's an Order for printing them, though they are not yet upon record in the Lords Book.

Sir *Thomas Littleton.*] Till we have that Speech of the Chancellor's, we have nothing to go upon. I would adjourn now, and I care not how ſoon we go upon it.

The Bill of Popery of the laſt Seſſion was called for.

The Speaker.] The Clerk is not anſwerable for any copies of Bills of the laſt Prorogation.

Sir *Robert Thomas.*] It ſeems, we muſt not touch upon Popery; that muſt not be meddled with.

Colonel *Birch.*] Moves for leave to bring in a Bill for ſecuring the Proteſtant Religion againſt the growth of Popery.

[Which was ordered accordingly.]

Saturday, May 25.

A Motion was made for an Addreſs to the King, to know whether we ſhall have Peace, or War.

Sir *Thomas Littleton.*] I am for ſeconding the Motion for an Addreſs, &c. to know whether we ſhall have Peace, or War. The Army is called "our Army," and it may be called "our Peace," too. The common news is, that *Spain* has made Peace with the *French*; I know not whether it be owned by the Miniſters of *Spain*; I know not whether the Emperor or the Princes of *Germany* are come into the Peace yet. If it be a Peace, and they comply with it, I look upon it as the moſt diſmal thing that ever was to our nation. If the Confederacy be diſſolved, there's an end of *England*, and how much

more, if the *Dutch* go off from us! As for the guarantee of the Peace, I value it not, for I know no Alliance *England* has to depend upon for its ſecurity; and I would have a League with *Germany* rather than not at all. The *Spaniards* may come back again to us. This, and nothing elſe, will make them think us in earneſt. If a Barrier be left for *Holland*, &c. why do not the *French* take it in? The *Dutch* are as forward as they for Peace, and if the *French* take in that Barrier betwixt *Flanders* and *Holland*, poſſibly they will be as forward for War as they are now for Peace, and may knock their Governors on the head, if they will not make War. But if this Alliance be not made, you'll have no ſupport from them at all. If a War goes on, and we are allied with the Emperor, though *Holland* look on for a time, yet they will run into the Alliance at laſt, when they ſee it hopeful. It is a miſtake that the Prince of *Orange* is ſo low as is ſaid. He is Stadtholder, and in good power among them; and I hope in ſix months they will be convinced of their error with the Prince. And though for a time they may ſtand neuters in the Alliance, &c. yet they will come in. In a general Peace *Holland* will run away with general Trade; but in time of War they can have little Trade. If it be Peace, we ſhall be wormed out of our Trade. They will grow rich, and *France* will ſupport them. Pardon my rude meditations and indigeſted thoughts in this matter, which deſerved more conſideration, &c. being a matter of great weight. I would have this buſineſs eaſy to the King, and would take away all occaſions of picking quarrels. You were told, "the beſt way to ſupport the Confederacy was auxiliaries." I propoſe to put a greater body of men into the Duke of *Lorrain*'s hands. I look upon him not as a ſoldier of fortune, but as one that fights for his own country, and may do honourably by them. I would not have this brave body of men diſperſed, but kept up by ſubſidies from *Germany*. But it is objected, "How ſhall we come at this body of the Confederates?" I take it for granted that this little ſlip of a country that's left, may be a paſſage for our men

men by the way of *Embden*, from thence to *Munſter* by land, and ſo to *Cologn*. No man thinks the *French* King can paſs below *Cologn*, for the *Germans* will have him upon the lock there. He has no towns on the *Rhine* that way. If they under the Duke of *Lorrain* be not paid, the fault will lie upon the Houſe, if we continue not the Subſidies. If this be done by land, no man will doubt but we are ſuperior to the *French* at ſea, and our management, I hope, will be better, and we are not ſo mean as to think the *French* can vye with us at ſea. They have not ſo many men as we, and our coaſt is a great help to us; for in the unfortunate *Chatham* ſummer, had it not been for that unlucky counſel of ſetting out no fleet (what we ſuffered was by that;) our very coaſt makes war againſt any nation. Therefore I would apply to the King to make War with *France*, with what Confederates he can get together, and we'll ſtand by him in it.

Mr Secretary *Coventry*.] I am as much for War with the *French* as any body—You have had as much ſaid as can be in the matter; but I doubt that ſome things are not thoroughly thought of. The Duke of *Lorrain* is a generous Prince, and a great ſoldier. But you go upon one ſuppoſition, that the *French* King will not conquer all *Flanders*, before you can join, &c. If you reſolve upon a War with him, he will have all *Flanders* before you can have your army over, and join forces with the Duke, and that way ſpoken of will be ſtopped. The *Germans* have as brave men as the King of *France*, but the Confederacy diſagreeing on their quotas, they have already been in diſorder. *Brandenburg*, *Denmark*, *Holland*, and *Spain* have failed them, and now will you go about to ſupply all this defect? I would have it well computed what ſum muſt do all this. *Holland*, when he treats with you, tells you of ſeveral quotas for the *Indies* and the *Mediterranean*. But when you conſider our Plantations, rich in ſtock, though not in money, how can they be preſerved? And if you leave out *Holland*, how will you ſupport this?

Theſe are things of great conſideration, and I hope you will conſider before you reſolve.

Sir *Thomas Littleton.*] The Queſtion, as I propoſed it, was thus: "If the King would enter into a War with the *French*, with ſuch Confederates as he could get to ſupport him, this Houſe will ſupport him: But if the King, in his judgment, think fit to have Peace, we are content. But if he enter into War, we will aſſiſt him."—But for Peace, I ſhall not think it ariſes from the Houſe of Commons till I ſee it. But I would leave all theſe conſiderations to the King and Council. Leave it there, and in two days it may be done, and leave it entirely to him.

Colonel *Birch.*] I would very willingly hear from the honourable Gentlemen the inconvenience of this motion, before I give my conſent. Though this army was raiſed in the dark, I would not part with them but in the light. This Houſe has, for ſeveral years, as by ſpirit of prophecy, foreſeen theſe things, and been of the ſame mind as now it is, and ſo am I. The danger of the Army, &c. has been mentioned; yet when I look them in the face, I would never give conſent that they ſhould be diſbanded without doing ſomething. But if any man can propoſe (who ſtands on higher ground than I) and can tell me that we ſhall be in a better condition by Peace than by War, I'll be of his mind. The fatalneſs of this Peace is no new thing, but how it has been driven on by our Miniſters, you know. But what ſhall we do when this Peace is made, and the Confederacy at an end? What ſhall we be ſecured from? The great man (the *French* King) who keeps his word with no man, except our King?—But when this Peace is made, let the Commons of *England* know what's next. And if this Peace be more chargeable than this War, certainly it is reaſonable to addreſs the King to know in what condition we are in, as to Peace or War.

Sir *George Downing.*] Every porter that walks the ſtreets can tell our condition. But the part of generous men is not to lament over the misfortune, but to go about

about to remedy it. Every poſt brings us new things. *Spain* is treating with the *French* King, but the queſtion is, what ſhall we do? He that can tell you is an Oracle. If Peace be, I look upon the Kingdom as undone, and *Holland* ruined. God can remedy it, and can ſay to the proud waves, Stand ſtill at the bank. Then what ſhall we do? We are moved to make another Addreſs to the King. I am never forward in Addreſſes, as improper. The variety of the thing is not opened, and we are in the dark, and it is not proper for us to meddle with Peace and War, and I am ſure money is only proper for us, and no man but ourſelves can put his hand into our pockets. I know not how to ſpeak to this. Though *Holland* and *Spain* go not out, this may prompt them to go out; unleſs you ſupply what ſupport they are deficient in, in *Germany* and *Spain*, &c. Now what would you do, in this matter, proper and honourable for the nation? Let all jealouſies be laid aſide, and let common ſafety be looked upon only. Our houſe is on fire, let us quench it. This will recall the *Hollander* to the War, and encourage *Spain* and *Germany*, when they ſee we are upon the common buſineſs of *France*. That, and that, and nothing elſe. The King ſays not, part with theſe forces till it be Peace or War with *France*. The not diſbanding theſe forces you have raiſed will make them think you are in earneſt, if proviſion be made for paying and keeping them.

Mr *Garroway*.] In this Debate we muſt conſider our condition. We are required by the King to give our advice in the Chancellor's Speech. I ſubmit Peace and War to the King; but when we are called to give our advice, I would know to what. The King of *France* has fourteen millions ſterling revenue; and leave him in Peace, what will become of us? Pray let us not give advice upon nothing. We are told of Peace making with *Holland* and *Spain* by the *French*, but not a word of the Confederates. What hand have we had in the Peace, is a ſad reflection. I will not go back—But addreſs the King, that we may have light to give advice upon.

Sir *John Ernly.*] As to *Spain*'s making Peace, I fear it is not in our power to make it better, or worſe. *Spain* has been offered ſupply from *England* and *Holland*, and has not accepted it, which makes me ſtumble at it, and what *France* parts with to *Spain*, he will have again, firſt or laſt. But I would gladly know how the King can tell you, whether it will be Peace, or War; for I cannot tell you. The King tells you, "he had rather have War," and ſo would I. If the *Spaniards* deliver up to the *French* this great town, then our men are loſt, and I fear we ſhall give them opportunity to break the League, for they *(Holland)* will ſay, "*France* can protect us, and you cannot." And that will be a Commonwealth's principle, to take him that can beſt protect them. In my reading, when the King has aſked advice of this Houſe, they have referred it to the King and his Council; but now the King aſks it, with expectation of an anſwer. Therefore I conceive now, that the King has War and Peace in his power, and ſo have the States, &c. and I think it not adviſeable to do any thing to put the *Dutch* upon going out of the league; and as we deſire to be farther enlightened, ſo muſt the King, before he can give you an anſwer.

Mr *Vaughan.*] It ſeems, ſparing to over-run the remainder of *Flanders* is merely a compliment from the *French* King; if ſo, it had been well that we had not been deluded. Now you are truſted, becauſe you are ſuppoſed to be the collective Wiſdom of the nation. You have paſſed a Bill, upon the ſenſe of the nation, for a War with the *French* King, and a confluence of people in arms thereupon ſhows you the ſenſe of the nation. When we go home into the country, we ſhall be aſked, "Is the Army diſbanded? why had we not a War? and why gave you our Money?" In *Henry* VIIIth's time it was conſidered, upon the diſſolution of the monaſteries, that the ends of their foundation were piety, abſtinence, continence, &c. Thoſe who would diſſolve them found out the contrary, luxury, impiety, and incontinence. If you make yourſelves unfit to ſit here now, you'll

you'll make yourſelves unfit ever to ſit here, or any other Parliament more. What good Bills have we done ſince we met? They have been all ſtifled by a Prorogation. Next we have given the people's money, and they expected ſome good laws. I ſpeak this, that you may leave yourſelves under ſome good character, to be acceptable to the nation. Rather than have this baffle put upon the nation, I would go to War upon myſelf, if I could prevent it.

Sir *Robert Sawyer.*] I think the Houſe will never go back from their opinion of a War with the *French*; but if ſuch a Confederacy may be made to bring *France* to its bounds, I am for it; but if ſuch a one as muſt leave *England* to ſhift for itſelf, it is the moſt diſmal thing that ever was done. Unleſs there be a perfect unanimity in this Vote, as it were with one ſoul, it will be the moſt unhappy thing imaginable. There are many jealouſies in the management of affairs, and I hope very falſe—The King, in his Speech, offers ſomething towards what you are upon; and I know not what better method you can take. It will be a difficult point to give advice, till you know whether it will be Peace, to provide for keeping up theſe forces—Unleſs the Confederates be taken in, if we reſolve on War, or ſuch a Peace as *England* may be ſafe from *France*—In order to that, I would conſider the King's Speech.

Sir *Thomas Lee.*] You are told of "fears, and jealouſies of a Peace, and the ruin of the kingdom;" and all this is, *England* cannot be ſafe without a War, and with a Peace with *France*. *Sawyer* tells you, "not to diſband the Army till there be Peace;" and ſo *England* is to keep an Army here, and ſhip the Parliament out of town, and make a Peace. I ſee not how we can do that, nor make any proviſion for the Army, till we know what's to be done with the Army. I would have them employed now, leſt, when there is occaſion for them another time, no men will come in. There's great danger to baffle them. This is not an ordinary proceeding. You voted the King money, at the King's deſire, for a War, and did appropriate

priate it for an actual War with *France*; and if there be no War, there's a perfect breach of both your words. And how will the kingdom truſt either of you hereafter? But there's another difficulty ſticks with me. At the beginning of the Seſſion all was War: At the latter end of the Seſſion, when we ſhould only declare War, and when a prohibition of *French* commodities was made, and an appropriation of the money to a *French* War, which angered the *French* King, then we were prorogued. If this had been before, the Lords might juſtly have ſaid, "we are not ready to enter into it." This might have been told you, before paſſing that Bill, that we are ſtanding in this condition; that the War could not be proclaimed, and the *Dutch* would not ſtand to it, only the *Germans*. And now we are come to it, the *Spaniards* are going out of it: And if you vote another ſum for the Confederates, I know not whoſe turn it is to go out of it next. We have not ſeen the Alliances, and I wiſh that thoſe have that ſhould have ſeen them. I ſee no harm therefore in this Addreſs moved for, to the intent we ſhould pay this Army. I would gladly know what the King's pleaſure is (that we may not invade his royal Power) how he ſtands in this matter of Alliance with the Empire alone, whether it is the King's pleaſure to enter into the War alone? I think, is a ſeaſonable queſtion. But how wiſe and how ſafe to do it, lies in the King and the Council. And when once 'tis told you that it is a War, there will be as few fears and jealouſies as ever; but if it be Peace, I know not how you can ſmother them. Such an Addreſs moved for may be for your ſervice; and ſuch a one I am for.

Mr Secretary *Williamſon.*] The States have agreed on a deputation to the *French* King at *Ghent*, from *Nimeguen*. The errand is only to aſk a Ceſſation of Arms for ſix weeks, to conſult their allies, not to treat a word of Peace. If that be granted, Peace or War will ſtill be uncertain. If you make your application upon that point, I ſee not how the King can give you any farther anſwer. If the King ſhould ſay "yes, he's for the War, &c."

&c." that's the high way for *Holland* to go out of it, againſt his obligation. In either caſe, if you go to the King with that queſtion, you can have no other account of it, but that 'tis uncertain in the whole. Now ſince you are in a ſtrait and difficulty what to adviſe the King, you may think of ſome ſupport for theſe men that have been raiſed, in the interim. They are ſtill on this ſide the water, becauſe there is not money to ſend them over, and *Spain* has ſaid, " whatever *Holland* ſhall propoſe, they will conſent to."

Sir *Thomas Meres.*] It is difficult to form this Queſtion, therefore bold in me to offer a Queſtion. But I will propoſe that which was firſted and ſeconded, and is now become a Queſtion, viz. " That an humble Addreſs be made to his Majeſty, to know from his Majeſty the ſtate of affairs as to Peace and War; and that if his Majeſty will enter into a War with the *French* King, with the aſſiſtance of the Emperor, and ſuch other of the States and Confederates as his Majeſty ſhall think fit, this Houſe will ſupport him in it: But that if his Majeſty ſhall not think fit to enter into a War with the *French* King, that his Majeſty would be pleaſed to diſband the Army."

Mr *Sacheverell.*] It is a ſad thing to me to conſider, that, after a Parliament has done all they can, and ſo often invited the King to ſupport him in this War, all negotiations are contrary to it; but what ſticks moſt with me is, that the King ſhould paſs a Bill for money for an actual War, and yet treat for Peace. Thoſe perſons hindered a Declaration of War that put us upon a Ceſſation, and would have you keep up your Army without end, and pay them. I would have them paid to the full; and I believe them to be too much Gentlemen to deſire to ſtand in the nation, without employment. But for a Ceſſation of Arms only for *Spain*, and *Holland*, and not the Empire, it ſeems to me to be prepared in this Houſe, that the King can give you no anſwer. And yet you muſt give money to ſupport this Army, who have oppreſſed the nation. Shall we be kept ſix or eight

weeks

weeks longer together in ſuſpenſe? What effect can we have of it? and hope that the Parliament will put up that now from the Miniſters which, the laſt Seſſion, they would have ſcorned? Let it not be forgotten that they have expoſed this Houſe, who have given money even in the dark. Therefore I am for putting it upon the truth, to know whether we ſhall have Peace, or War. We invade not the King's Prerogative when we deſire to know it, for the good of him, and his people. And I deſire to know how we ſtand, as to Peace, and War. Before that, we can give no advice.

Sir *Thomas Littleton.*] If the Addreſs run, "That the King ſhould take ſuch Confederates as he can get, and we ſtand by him, &c." it will be ſaid, "Let him (it may be) with what petty Princes of *Germany* he can get." But the word "Empire" I look not well upon. If with *Bavaria*, *Holſtein*, and *Gottorp*, &c. this the Empire is not in. "The Emperor" is a good word "and ſuch other Confederates as can be got." Allow fitting liberty to thoſe that are to form the Addreſs, and they may conſider it.

Mr *Swynfin.*] It may be my ignorance, but I confeſs I have but a dark underſtanding of the Queſtion propoſed; for I confeſs I underſtand no effect of it, whether you'll diſband, or not diſband, the Army. If you cannot make a War, you muſt go into Peace, but 'tis none of your Peace. And I would not have it of your making, as I fear you'll do by this Queſtion. Why ſhould you deſire to know what this Peace is? Therefore I would let the point of Peace alone, and aſk no Queſtion about it, for fear of making it your Peace. But I fear we overlook what the King has told us in his Speech. Lay that, and what he has formerly ſaid, together. He opened to you a League offenſive and defenſive with the *States General*, but nothing towards War in it. You are told, "that ſince, the *Dutch* are gone upon other terms, and that *Spain* is come into them." And on *Tueſday* you were told by the King "they are violently going into Peace." What can be more plain to you than Peace?

Peace? I would never elſe have you diſband this Army. That's plainly before you, and I believe you will be told no farther of Peace, or War. We know ſufficient, unleſs you will run yourſelves into farther ſnares. You cannot expect an anſwer from thoſe States and Princes till ſome time, and till then the Army muſt be in being. Our Addreſſes have brought this Army upon us. But what moſt reflects on the honour of this Houſe is, that theſe men were raiſed for an actual War with *France* by us, and here is no War, and we ſit ſtill. Upon the whole, going to the King will entangle us yet more about Alliances with the Confederates. Diſbanding the Army preſſes us, though raiſed contrary to our deſires. All the riſe you gave it was for an actual War; but now 'tis raiſed, you ſit ſtill, and make no ſtep forward towards War with the *French*. Unleſs you will make yourſelves a party, are you not obliged to conſider the diſbanding them? If not, you make them yours. You muſt either give money to pay them, or diſband them. I move therefore to adjourn the Debate till *Monday* next, and then conſider whether you'll diſband, or keep them up.

Mr *Sacheverell.*] I fear we ſhall have no War effectual, and therefore I would have no obligatory thing in the Queſtion.

Sir *Thomas Littleton.*] I would never go into any advice to the King, but oblige ourſelves to ſupport him in it. If the thing be of that nature as to ſend to *Vienna* for it, I am againſt it. But all agree that the Ambaſſadors here have full power to treat, and a few hours will tell us of it. And it is pernicious to diſband the Army till that be known.

Sir *William Coventry.*] I ſhould have been glad if the Houſe would have inclined to adjourn the Debate. No man knows how much light a day would give, when every poſt from *Spain*, *Holland*, *Germany*, and *France*, may give new lights to this matter. I confeſs, I cannot come up now to matter of War, though formerly I was as much for it as any man. My lights, that I go by, are theſe: *Holland* is going out of the War, and *Spain* is ſo much towards it,

that

that he has ſent his reſignation to *Holland*. *Germany* remains only in the War; and ſhall we rely upon a people of ſo dull a temper, whom we ſee doing nothing towards a Peace for themſelves? I acknowlege the truth, that the Emperor's Miniſters here may have power to treat, &c. but it is not what his Miniſters do here, muſt make a League. It muſt be ratified by the Emperor. Is it reaſonable to think that the Emperor will go out? He has reſolved to go into Peace. Now all his Allies have left him, ſhall not we, by joining with him, help him to make his conditions more ſpeedily? I am afraid that the other ſupports the Emperor had, have left him, as *Holland*, *Spain*, &c. and he believes us not ſo ſteady as to be willing to take us by the hand. Theſe things induce me to believe, that we are not fit for ſuch a War. When the thing was plain, then we were, without doubt, ready for advice; but in the darkneſs we are in, we muſt be wholly led by the King. To have an Army here, when of no uſe for what it was deſigned, creates ſuch jealouſy, that it is a means to rob the King of the hearts of his people; and may make him loſe that ſupport, when really there is occaſion for it. The King may ſee lights for a War, which we ſee not. Therefore I would addreſs the King, "That, if he ſee no cauſe to purſue the War againſt the *French*, he may pleaſe to diſband the Army."

Mr *Boſcawen*.] I am one of thoſe that diſlike the Peace, but yet I would not take it upon our backs, becauſe our backs are broader than others. I take not the *Spaniards* nor *Hollanders* to bemad men to make Peace without us. I am not for putting it off for a day longer. I would make an end of the thing now. If it be Peace, we ſhall ſee it, and the Army may be diſbanded, and we ſent home, after a chargeable attendance here.

Mr *William Harbord*.] When I reflect upon what this Houſe has done to prevent the greatneſs of the *French* King, and yet that he has almoſt over-run *Flanders*, and almoſt overcome *Sicily*, I admire how we can engage this kingdom in a War with *France*. As for the Army, I would uſe them like Gentlemen, and would uſe them honour-

honourably; you may ſoon enough have occaſion to uſe them again againſt *France*. But I do not expect it, as long as theſe Gentlemen are at the helm. *Spain* did offer prohibition of *French* commodities, and ſo has *Holland*. And if War could not then be made, I expect it not now. Therefore, I would add the words to the Queſtion, of "diſbanding the Army."

Mr Secretary *Williamſon*.] You are told of a Memorial, "That the *Hollanders* and the *Spaniards* would join with us in a prohibition of *French* commodities." Every tree in St *James*'s Park has echoed it. 'Tis certain, that for months and years the *Dutch* Miniſters have preached up the poverty of their nation. I came to them to waſh my hands of the ſucceſs; as a private perſon I told him, "I was amazed to find his maſters ſo changed in their opinions, and his maſters muſt pardon me if I ſpoke it, that for years together they have ſpoken of prohibition of the *French* trade, and now they make a difficulty to enter into it."

Colonel *Birch*.] I would ſhow that this very money you have given has been uſed towards Peace. I would let the world ſee that you are unchangeable; and would therefore have that addition to the Queſtion.

[The Queſtion for adjourning the Debate was carried in the affirmative, 195 to 176.]

Monday, May 27.

Mr Secretary *Coventry*.] A Gentleman (Mr *Mallet*) has told you "that I ſhould ſay "I had rather be guilty of forty murders, than that the War ſhould not go on." (See vol. v. p. 9.) I ſaid no ſuch thing. I am of the ſame opinion ſtill that I was of then, that it is the happieſt thing, and moſt neceſſary for the nation, that the War ſhould go on with *France*, that can be. I look upon it as the direct intereſt of our country; only this I did ſay, "I had rather be guilty of an hundred murders, than be guilty of not entering into the War." And I conceived myſelf guilty of all the murders of *Alſace*, rather than that I would not willingly enter into the War, without

out being fortified with Alliances. We cannot tell you whether it will be Peace, or War; but the *French* King has accepted a Ceſſation of Arms, but not ſuch a one as *Holland* would have. The *French* would not accept of ſix weeks Ceſſation; but only from the middle of *July* to the beginning of *Auguſt*, and they are likely to agree. But hitherto, or whatever is done underhand, I know not. You have been told, " that the Duke of *Villa Hermoſa* will not ſever from *Holland*." The Envoy of *Spain* hath given in a Memorial this morning, which I have in my pocket, deſiring us not to diſband the troops of *England*, for his Maſter is utterly undone if we do. This is all we know; but the Allies have not imparted to the Public Miniſters any reſolution to accept of a Ceſſation. The King of *Spain* has accepted ſo many *Engliſh* forces; now whether you will have him part with them, when the honour and reputation of the nation will be expoſed in doing it, I leave it to you.

Colonel *Birch*.] I am almoſt afraid to ſpeak, when I ſee the Houſe in ſuch a ſilence. I am one of thoſe that earneſtly preſſed, on *Saturday*, not to adjourn the Debate. Now what has fallen from *Coventry* makes a far greater neceſſity for the Queſtion; now the matter is abundantly clearer. He told you of " a Memorial from the *Spaniſh* Envoy not to diſband, &c." It would not elſe be ſenſe, if the Confederates do not continue the War. The *Spaniard* has given up the Treaty to the *Dutch*, and the *Dutch* will do nothing without their Allies; and I do not hear of this ceſſation by the Emperor. If the *Dutch* agree to it, and *Spain* conſents to it, I do not ſee how *England* is ſecured all this while by guarantee, from being attacked by the *French*, when they have made their Peace, and ſee us not provided for. I would have nothing to do with the Peace; but I would engage with the Emperor rather than ſit down with Peace. Therefore now is a ſeaſonable time, and conſiſtent with our duty, to make an humble Addreſs to the King (for this is a new Parliament by Prorogation) " to join with the Emperor againſt *France*." That we may do it like perſons that did with

with reaſon before, and with the ſame reaſon ſtill we purſue it. I intend only this, "That the King may be humbly addreſſed unto, to ſignify to us the ſtate of affairs as to War, and whether he will enter into confederacy with the Emperor, &c. which if the King ſee not fit to do, to deſire him to diſband the Army;" knowing how foul a life it is, for any man to command a regiment in time of Peace. Had *France* been ſtopped in its greatneſs four years ſince, according to our advice, theſe bitter papers had never been pinned upon us. Therefore I move "for an Addreſs, &c."

Mr *Powle.*] We have little time for this Seſſion. Our own affairs, at this time of the year, will call us home, and 'tis like to be a ſhort Seſſion; but we are ſtill in the dark. You are told of "a Ceſſation of Arms, deſired by the *Dutch*, for ten weeks, laſt *Chriſtmas.*" But by all this, I know of neither War nor Peace; Ceſſation, or none. And I believe no man would deſire an Army, and no War; no, not the Gentlemen that command. Therefore I would have the King's Speech read, that we may conſider what to do.

Mr Secretary *Williamſon.*] You are well put in mind to ſave time, and huſband it. And I would to God we could bring this matter to ſome iſſue ſpeedily! I'll ſpeak to the moſt material point, what to do with theſe troops you have raiſed, to remove all jealouſies; and Gentlemen are not clear to judge, becauſe the matter is not certain. The difficulty of the choice is this; if we have no War, why ſhould we keep up theſe men? If we have War, then to proſecute it. All the Confederates will ſtill continue in a mind, not to make Peace without conſent of their Allies. The terms of "ſix weeks Ceſſation, &c." are not accepted, yet another term, from the 21ſt of *July*, our ſtyle, to the 27th of *July*, for Ceſſation. There is by this, as between a ſtate of War, but an aſſurance that the *French* King ſhall not act, &c. I ſpeak this by way of information, as I have it by way of news; but it looks oddly that the King of *France* ſhould voluntarily give a STILL STAND to all his forces; and though none of the Allies ac-

cept it, *Holland* ſhall. It appears not yet that *Holland* has accepted it, but 'tis much to be ſuſpected they will. It may be juſtly ſuſpected that they have ſome ground from *Holland* for propoſing it. I am perſuaded, that both the affairs of *Holland* are ſuch, and of *France* likewiſe, that they have but a narrow time to give a reſolution in. The King of *France* is gone back to *Paris*, which looks as if matters were pretty ſure. So that the diſpoſing of the Army ſeems to be the matter of your Debate; and I ſhall never wiſh it to be kept one moment longer than you ſhall think fit. The diſbanding it muſt coſt ſome time. My meaning is only this, not to make any offer to you, the matter being very nice.

Mr Secretary *Coventry*.] This hour of Peace is more critically obſerved by *England* than any time of the War; for we knew in War, &c. what the *French* King's great Armies were upon, but now they have nothing to do. But I believe the *French* money does not boil ſo high in their coffers as to keep up all theſe men; therefore I would conſider of it, &c.

Sir *Thomas Lee*.] I remember that, the winter before he began action, the *French* King was a long time diſciplining his army, which makes me fear we ſhall be doing ſo. This day's Debate has ſtirred in my thoughts that ſomething more lies in the way to be done. For my part, I am very unwilling to take any ſhare of the Peace upon me. I remember that, when we met in *January*, when all theſe forces were raiſed, we ſpoke of reducing things to the *Pyrenean* Treaty, becauſe that was ſuch a Peace as might do *Holland*'s buſineſs, but not *England*'s. But this Peace looks to me, as if this great charge of raiſing an Army had been to get *Holland* a Peace, and not *England*. Thoſe Gentlemen that ſometimes give you what little light they pleaſe, have not told you of any Alliances made with the Emperor. If the King tells you that it is fit to diſband the Army, I am willing to pay for it; but if it be to do *Holland*'s buſineſs, &c. it looks to me plainly and really, that there's nobody in the Ceſſation but *Holland*. It ſeems to me to be truly as *Williamſon* ſaid, "a ſtill ſtand."

ſtand." This is mighty news, and I am ſorry to know that theſe things "ſtand ſtill" till we proceed. I muſt needs return to this, that I know not what condition we are in, if it be Peace, ſtill to make us barriers, and have no Alliance with the Emperor! And then when a Peace is made, what will the *French* King do with his army? And we muſt keep up our Army ſo long as he keeps his. Still you may have this advantage, that whilſt this "ſtill ſtand" muſt be, we may not have our Army at a "ſtill ſtand," and eat us up.

Mr Secretary *Williamſon.*] Upon occaſion, ſeveral times, the King has endeavoured to enlarge that Treaty for the Confederates. Some Gentlemen ſeemed to aſk, "Whether any other of the Allies were concerned in the Ceſſation, &c.?" I anſwer, that ſome of the Allies are forward, as *Holland*; and the King's miniſters inform you, that *Spain* is expreſsly, and the *Imperialiſts* allowed the propoſition for ſix weeks; ſo that the Emperor is in ſome degree of a mind with the States. The *Lunenburg* and *Brandenburg* miniſters muſt hear farther from their maſters, and therefore ſat, as it were, ſilent. And this is the truth.

Sir *John Ernly.*] What to do with our men, is the Queſtion. I have not ſeen ſuch an appearance of brave men, and I would not diſcourage them. I would make ſome proviſion for their diſbanding.

Lord *Cavendiſh.*] I hope, that, by applying to the King, we ſhall have a clear anſwer, whether Peace or War, which is more than we have had from the Gentlemen at the Bar; and till we have ſome anſwer of that kind, I know not what to ſay. Therefore I would make application to the King.

Mr Secretary *Coventry.*] The King has not yet had any Memorials of thoſe things, nor any counſel upon it. I would willingly know from *Lee*, from what Ambaſſador, &c. he has had his knowledge?

Sir *Thomas Lee.*] I find that accidents do help us. We ſhould not have known elſe that the Emperor was in the caſe.

Mr *Vaughan.*] I wonder that we ſhould know nothing, after ſo many applications of foreign Miniſters. I am loth to differ, &c. but I am for the Addreſs. We ſtand ſtill becauſe we have no light. If we have War, 'tis a madneſs to diſband the Army, and if we have none, as much to keep them. The Lord Chancellor's Speech tells you "of a Ceſſation, &c. like to be;" and "that they are towards Peace." But I cannot but take notice there is a fault ſomewhere. *Spain* will give *Holland* no ſupply of men and money. Why could not we ſupply *Spain*'s place?

Mr Secretary *Coventry.*] If theſe things you aſk were things the King could reſolve, you might have ſome light; but they are in another man's power.

Lord *Cavendiſh.*] I will make it good, if required, that applications have been made to the King by the Confederates, to enter into alliance with them.

Sir *Trevor Williams.*] I am informed, from very good hands, that Count *Walleſtein* gave in a Memorial, this morning, to deſire the King to enter into the alliance with the Confederates.

Mr Secretary *Williamſon.*] I know of no Memorial he has given in, nor any power he has to enter into any ſuch thing; and the Emperor has agreed to the Ceſſation. And how his Miniſters ſhould be furniſhed with ſuch a power here, I leave it to you to conſider.

Sir *Thomas Littleton.*] As for the Memorial, I cannot make it good, but *Coventry* ſays, "That the Memorial for a Ceſſation of Arms was from the *Spaniſh* Ambaſſadors." There is no great weight or ſtreſs to be laid upon their (the Secretaries) words, for nothing is done, but by conſent, amongſt the Ambaſſadors of the Confederates.

Mr *Swynfin.*] To diſpoſe of the Army is the matter before us. All information given us without doors, or any others, tend principally to that. I would aſk any body here, whether we have actual War with *France*, or any thing like it? I have heard nothing of it theſe two months. Every day informs us of ſomething ſtill of Peace, and take

take but that one thing, that the *Dutch* have gone towards it and the Ceſſation, that they and the Emperor would agree to, for moſt part of this ſummer, can any man believe a probability of any thing of a War this ſummer? This Ceſſation is in the very heart of action; and no hiſtory does mention but that ſuch a Ceſſation tends towards a final Peace. And I am afraid we ſhall find more difficulty to reſolve to-morrow than to-day. Therefore I would conſider what the King has offered you in his Speech. Plainly, 'tis not needful to aſk the premiſes, when you are plainly told the concluſion. 'Tis not ſuch a War as we adviſed, plainly. If it be a War, the King leaves it to you; which plainly convinces me, there is no want of this Army, to be employed. The King offers you to disband the Army; when that is, 'tis when there is an univerſal Peace, or towards it. I would cloſe with the King in it, in taking into conſideration the diſbanding this whole Army. If you diſband them againſt winter, it will be hard with the common ſoldiers; there is employment for them, now in ſummer; and I move that the Army, both horſe and foot, may be forthwith diſbanded.

Mr *Powle.*] I would not make more Addreſſes to the King, till things are in a better temper. I would not addreſs in this, nor give any advice in this. We have already backed our advice with ſupport, but they have forgotten the conditions upon which we promiſed our Supply, *viz.* "for an actual War with *France.*" And now we are going into a Peace, and are called upon to ſupport the Army. This makes me not fond of Addreſſes. I fear, that, notwithſtanding all our Addreſſes for War, we ſhall have Peace, and thoſe perſons that intended a Peace, brought the *Dutch* out of the Confederacy. Our League offenſive and defenſive with the *Dutch* was to looſen them from all other Confederacy. And next we muſt make a ſhow for War, and be aſked ſuch conditions from the *Dutch*, as we cannot perform, and that gave them opportunity to do this Ceſſation; and now, we muſt diſband this Army, and

ſue for ſuch a peace as, with all this expence we have been at, we might have had for aſking. And do not theſe men that have brought us into this poſture deſerve the panegyric I have given them? The Chancellor, in his Speech, charges you ſo as malice itſelf could not have ſaid more, *viz.* "That we were the occaſion of the loſs of *Flanders*." I would vindicate ourſelves from this. I ſee the Army muſt be diſbanded, but I would not have that laid upon us, and we have the reproach of that from ſo many gallant men. Therefore I move that we may preſently addreſs the King, &c.

Mr Secretary *Coventry*.] The King has offered, that, if the States will come in, he would carry it to the Emperor to join in a league to reduce things as far as the *Pyrenean* Treaty, &c. They made anſwer again, "That the King of *Spain* had broken with them his promiſes over and over again, and *Spain* had laid the fault on the *Dutch*, and the *Dutch* on *Spain*, and the Emperor on both, and they all upon the King and Parliament."

Mr *Vaughan*.] Many of us here are ill repreſented abroad. (I ſpeak to Order.) And as long as perſons can ſully their King's robes with their own ſtains, they think all well enough. The King can do no wrong, and I would have the blame laid where it ought to be. The Parliament ſtarts not miſcarriages on the King, to reflect them there, but on his Miniſters, where they ought to be.

Mr Secretary *Coventry*.] Call it what you will, have not the Treaties the King's ſign, &c.? And they are ratified in *Holland*, &c. In all places, 'tis the King's act. His Miniſters make no body of men, for 'tis the King's Treaty, and none of his Council's. If there be a fault, and if *Holland* ſuffers, it is upon the King, and not his Miniſters. (*One ſaid privately*, "That's doctrine abroad, not here.") For your diſſatisfaction in matters of religion, your fears of Popery, and your diſbanding the Army, as 'tis a jealouſy to you it ſhould be a ſtanding Army, ſo it is to the Council. Sure you'll have an indifferent anſwer from the King, about the Army, untill he have a certainty, &c.

Cromwell,

Cromwell, though he had a ſtanding army, had enough to do to keep you quiet.

Sir *Thomas Lee.*] When the Duke of *Buckingham* was diſobliged in *Spain*, by the Conde *Olivares*, then the *Spaniſh* match was broken, and the Miniſters were then of a mind with the Parliament; it may be ſo now.

Sir *Thomas Clarges.*] Faults there are amongſt themſelves, but the principal fault was, our advice was not followed. I would not have thoſe things we are told of, miſlead and blind us. I move, "That an Addreſs be made to the King, that he would let us know the ſtate of Peace, and War; that if there be no War, the Army may be diſbanded."

The Speaker.] The Debate this day has been rather for information than reſolution; but not in that form that I could collect a Queſtion out of it. But it ſeems to tend to this: "That in conſideration of the charge and burden of the Army to the nation, his Majeſty would pleaſe to employ them in a War againſt the *French* King, and you will ſupport him in it; if not, that the Houſe will proceed to the diſbanding of the Army, &c."

Sir *Thomas Littleton.*] You are told by the Privy Counſellors, they have not power ſufficient ſhown them to give an anſwer to our meaning. I would have the word "immediate" added to the Queſtion; that if the King think it not fit and convenient to be done, we may then go to other thoughts.

Mr Secretary *Coventry.*] As it is a Queſtion whether the word ſhall be added, ſo it is a Queſtion whereabout it ſhall be placed. The Ceſſation is actually, and the *Spaniards* are comprehended in it. And would you have the word "immediately" refer to that?

Colonel *Birch.*] Lord *Cavendiſh* has put the word in the right place, "that if this be ſo, to "immediately" ally with the Emperor."

Sir *John Ernly.*] I do not know whether it will be well taken by the King, that you put him upon it "immediately," or whether the thing can be done; therefore I would adjourn it till to-morrow.

Mr Secretary *Coventry*.] A Memorial was given in to-day, in *Spaniſh*, and is not yet tranſlated. And will the Houſe have the King to enter into a Treaty, without any obligation whatſoever on the other part?

Sir *Thomas Lee*.] You are not going to aſk the King to go into a more immediate War, nor going into Debate about diſbanding the Army; but you are going to ask the King to enter into an immediate Alliance. For War againſt the *French* King, if the King is fit, or not fit for it, you may reſolve accordingly. If it be a Ceſſation, &c. you may ſend your men; but if you ſtay till the Ceſſation be ended, it will perhaps be too late. This is a deſire, not an advice.

Mr Secretary *Williamſon*.] If the King anſwers, "he can, or cannot," you have your deſire. But ſuppoſe the King anſwers, "he cannot, till he knows from his Miniſters beyond ſea, give any anſwer," then your Forces muſt be kept up. Since *Saturday* the King has enquired into the Imperial Miniſter's power. When we have ſeen the *Nimeguen* Miniſters go into the buſineſs of Ceſſation, I cannot ſee how the Miniſters here can go upon ſuch a contradictory foot, as to enter into a Negotiation of War. I ſee not what iſſue there can be of it.

Mr *Garroway*.] Now that it is a doubt whether the foreign Miniſters have power, &c. what have they been for here, all this while, and done nothing? If they have no power, let us look to ourſelves, without them. And pray let us put in the word "immediately," &c. And if they give no anſwer to you, you know what you have to do.

Sir *John Trevor*.] I think you are not ripe for the word "immediately." I will give my reaſon for it, and then I hope I ſhall be excuſed. I take it not to be a parliamentary word. It takes away freedom of Debate here, the eſſence of Parliament, and I would not take it away in another place. The Miniſters tell you, "the King cannot do it immediately." Why ſhould you force the King, ſince it cannot bring you that end you deſire? And it being not parliamentary, I am againſt it.

Mr

Mr *Powle.*] This is the only word that can give you light into this matter. If the King does it not "immediately," I conclude the King cannot do it at all.

Sir *Robert Sawyer.*] I would not divide the Houſe upon the word "immediately." It will imply as much as not to aſſiſt the King, if he does it not "immediately." 'Tis not *tanti.* Unanimity is worth a thouſand "immediatelies."

Mr *Williams.*] "As ſoon as may be." That's the meaning of the word "immediately." Every thing muſt have the ſenſe of the reaſonable underſtanding of the word, with all the circumſtances of the word; 'tis not to be underſtood *eo inſtante, &c.*

The Queſtion was ſtated by the Speaker thus:

Reſolved, That the Houſe, in conſideration of his Majeſty's affairs, and the great charge and burden of the Army upon the nation, are humbly of opinion, that if his Majeſty pleaſes to employ them in a War againſt the *French* King, this Houſe will ſupport him in it: If not, that this Houſe will proceed immediately to diſbanding the Army.

It was moved that the Debate might be adjourned to *Thurſday*; to which

Sir *William Coventry* ſaid,] I cannot ſit ſtill and hear it called "an irregular Motion." 'Tis not whether it be a good, or a bad Motion, regular, or irregular; but whether we are free to make Motions, or no. Otherwiſe we are wholly in the power of the Chair, to diſpoſe of us as he pleaſes.

The Speaker.] This is a new Motion, and you go againſt a ſtanding Order of the Houſe.

Sir *Thomas Clarges.*] The Speaker ought not to debate and diſcuſs things. It has been debated an hour; but to be confined as the Chair directs, is ſuch an impoſition and confinement as is not to be endured.

The Speaker.] I ſpeak nothing but to point of Order, and what I ſay is Order, and muſt ſtand till the Houſe orders otherwiſe. What is an extraordinary Motion is a new one, and is out of Order.

Sir *Thomas Lee.*] As the Chair has a right to declare Order,

Order, ſo it has a right to be convicted of a miſtake. Both the hour and day muſt ariſe from a Motion.

The Speaker taking notice of Col. Birch's *changing his ſeat to another ſide of the Houſe,*

Colonel *Birch* ſaid,] I wonder the Speaker ſhould take notice of my changing ſides, when I never took notice of the Speaker's changing the Chair. *(Alluding to Mr* Seymour's *pretending to be ſick, whereas the Court, being diſpleaſed at him, put Sir* Robert Sawyer *in the Chair.* (See Vol. V.)

The Queſtion was carried for adjournment till to-morrow.

The Vote, as it was ſent to the King by the Members of the Privy Council, was as follows:

Reſolved, That this Houſe, taking into conſideration the ſtate of his Majeſty's affairs, and the great charge and burden that his Majeſty and the nation lies under by the Army now in being, are humbly of opinion, that if his Majeſty pleaſes to enter into a War againſt the *French* King, this Houſe is, and always will be, ready to ſupport and aſſiſt him in that War: But if otherwiſe, then they will proceed to the conſideration of providing for [the ſpeedy] diſbanding of the Army.

Tueſday, May 28.

Mr Secretary *Coventry* delivered to the Houſe the King's Anſwer to yeſterday's Vote, as follows:

" CHARLES *R.*

" His Majeſty having peruſed the Vote of this Houſe of the 27th of *May*, hath thought fit to return this Anſwer; That the Moſt Chriſtian King hath made ſuch offers for a Ceſſation, till the 27th of *July*, as his Majeſty does not only believe will be accepted, but does alſo [verily] believe will end in a general Peace: Yet ſince that is not certain, his Majeſty does by no means think it prudent to diſmiſs either Fleet or Army before that time; nor does he think [it] can add much to the charge; becauſe the raiſing the money, and paying them off, would take as long a time as that, although the ſpeedieſt diſbanding that is poſſible were intended.

" That, in the mean time, his Majeſty deſires that ſome Supply may be provided for their ſubſiſtance; that as hitherto they have been the moſt orderly Army that ever were together, they may be encouraged to continue ſo.

" That

" That there is another thing which preſſes his Majeſty with very great inconvenience in his domeſtic affairs; which is the want of [the] 200,000*l.* you promiſed to repay him at your next meeting after; and which does affect that whole branch of his revenue, by having a fifth part taken out of every payment, which ſhould be applied to the neceſſary uſes of his Houſhold: He does therefore deſire you will immediately apply [yourſelves] to the repayment of that money to him."

" Given at our Court at *Whitehall*,
May 28, 1678."

Debate.

Serjeant *Streete*.] The King tells you of a " Ceſſation, &c. and believes it will end in a Peace; and that it is not ſafe to diſmiſs the Army or Navy till that be done." I move, therefore, to have it conſidered how to prevent the *French* King doing what he pleaſes with the Confederates.

Mr Secretary *Coventry*.] It is impoſſible for the King to make any good determination yet. No body can adviſe diſbanding the Army till this Ceſſation be over, that it may certainly be known whether it will be Peace, or War.

Mr Secretary *Williamſon*.] One part of the King's Meſſage relates to the Forces; the other to that which ſeemed not certain. Now the King has told you as much as he knows. The matter is ſo very preſſing, that it cannot admit of delay. But there is an offer that *Spain* will go with *Holland*, and it looks like a general Peace. I ſpeak to this point, that the thing is as prepared for you, as it can be, in a day or two's adjournment. Therefore loſe as little time as you can, and come to ſome reſolution; though with no thoughts of continuing the Army, but only to provide for their ſubſiſtance.

Mr *Cheney*.] It appears to you that there is a Ceſſation, &c. and probably a Peace will follow. You may, therefore, I think, proceed to the conſideration of diſbanding the Army.

Sir *Robert Carr*.] I ſee not but you may go upon the King's Meſſage now in a Grand Committee, or appoint a day.

Sir

Sir *Edward Dering.*] How acceptable a thing it will be to the nation to diſband the Army you have no uſe of, I need not tell you. As for raiſing money for their diſbanding orderly, you are to go into a Grand Committee, and I would do it that day moved for, together with the conſideration how that 200,000*l.* has been laid out.

Mr *Sacheverell.*] I think that the Speaker ſtated an irregular Queſtion; for what was moved for was "*Thurſday* to conſider the King's Speech." And you ſtate it "to conſider the ſubſiſtance of the Army."

Sir *Thomas Lee.*] I think, Mr Speaker, your ſtating the Queſtion to be rather a prevention of the Houſe to ſpeak, than your belief of it to be the Queſtion.

The conſideration of the King's Meſſage was ordered for *Thurſday* next.

Sir *George Hungerford.*] I move that the common high-way of going into a Grand Committee, to conſider of the King's Speech, may be thought of. I aſſure you, as a common high-way, 'tis ſo worn out by heavy carriages, that, 'tis not poſſible any thing ſhould paſs; and till it be mended, I would go ſome other way.

Mr Secretary *Coventry.*] If you diſband theſe men without money, you may quickly have them ſpoil your high-ways.

Obj.] The ſame day a Motion is made for a Supply, the Houſe, by Order, cannot go into a Grand Committee for conſideration of it.

Sir *William Coventry.*] The beginning of this Meſſage being extraordinary, every body ſat in the dumps; and this Motion for Supply is as extraordinary, for ſubſiſtance of the Army. And that muſt be determined firſt, whether diſbanding, or ſubſiſting. If we can ſhow a way how money may be raiſed ſooner for diſbanding, &c. that will ſatisfy, ſure. Another reaſon, &c. is, 'tis moved for laying up the great ſhips, equally with the land forces. The King's Speech is equal to both. It is reaſonable that we ſhould have time to conſider of it; and I would adjourn it to *Thurſday.*

Which was done accordingly.

Thurſday,

Thurſday, May 30.

The King's Meſſage was read; (which ſee p. 26.)

Mr Secretary *Williamſon.*] This is asking money to ſave money. The Queſtion is, when you will diſmiſs the Army, and pay off the ſupernumerary part of the Fleet? 'Tis not regular to go into a Grand Committee now, the ſame day the thing is moved for. Therefore I move "that you will ſupply the King." With limitation how much, or what uſes, is another point, and I move to conſider that now.

Mr *Garroway.*] I ſee that all our expectation is like to be terminated in Peace, and for the probability of it, 'tis moved that the Army may be diſmiſſed, &c. to ſave charges. I am willing to go upon it, ſeeing there are no hopes of War, which I would willingly have gone on with. Therefore I move that we may agree in the point, whether to diſband the Army, or no. And I would know what they are that are to be diſbanded. I would put in "all the Forces raiſed ſince *Michaelmas* laſt."

Mr Secretary *Coventry.*] Do you mean all raiſed for *Carliſle*, *Tangier*, and the Plantations, &c.? Under that word "all," theſe will be comprehended.

Sir *William Coventry.*] I would have it, "all the Forces raiſed ſince the firſt of *December*, except thoſe raiſed for *Tangier* and *Jamaica*."

Mr *Mallet.*] I am ſorry we are come to this Queſtion, almoſt by neceſſity. 'Tis ſad news that all ends in Peace. I fear 'tis the Peace of *Herod* and *Pontius Pilate*. This late Army was raiſed, not by the authority, but connivance of this Houſe. What others deſign, I know not, but it ſcared the Allies, &c. I would give no countenance to a ſtanding Army, and I would have all the Forces diſbanded, except the Militia; all the Forces raiſed ſince the Vote of this Houſe, ſome time ſince, that voted them a Grievance and Terror to the nation.

Mr *Powle.*] I hope that this "ſtill ſtand" of Arms abroad, will not be a "ſtill ſtand" of an Army here.

Firſt reſolve the thing, that the Army be diſbanded, and then conſider of the money to diſband them. The intelligence is, that *Maeſtricht* is delivered up, and that there is a Peace. And I know of no end of keeping up the Army any longer, than to habituate us to its ſtanding for ever. Therefore I move for the Queſtion.

Mr Secretary *Coventry*.] It is not "that there is a Peace," but "'tis ſaid there is Peace." The States acknowlege no ſuch thing to any body, and will you, by diſbanding the Army, totally put yourſelves into the mercy of the King of *France*? As he has done nothing, and will do nothing, till the firſt of *July*, ſo in the mean time ſhould you draw all your Forces out of *Oſtend* and *Bruges*, without any warning to the *Spaniards*, and the King of *France* take that opportunity, how can you help it? Now whether you have aſſurance enough of the *French* King, or there be a reaſon to diſband the Army before there be a Peace made, pray conſider. Therefore I would have you proceed as the King intimates in the Meſſage.

Sir *Thomas Lee*.] It looks equally ſtrange to me, as all things elſe have done ſince the fifteenth of *January*, that arguments ſhould be for keeping up the Forces, as if we were in a War. We are told of "keeping up the Forces at *Bruges* and *Oſtend*, &c." 'Tis ſtill forgot the concert of ninety ſail of ſhips with the *Dutch*, though afterwards we were told, it was a propoſition only of ours. Though our Forces are there, yet we are not told of any Alliance with the *Spaniards*. And why ſhould you be at any charge for the *Spaniards*, and have no manner of Alliance with them, and no proſpect of War? And yet now we are told of the inſecurity of *England*. Where is the ſafety then, by not diſbanding theſe men? You may ſend them to harveſt, and retrieve them from the conſequences of ill courſes, which diſbanding towards winter will bring them into. And why ſhould they be any longer upon your charge, being neither raiſed nor employed for your ſervice? I ſee no reaſon for it.

Mr *Williams*.] The inconvenience of keeping up theſe men

men is obvious to every one, if it be no more than the countenancing them within theſe walls. He that is really for removing theſe jealouſies and fears of the Army, is for diſbanding them. I take the Army merely to be a handle to raiſe money, and therefore I would diſband them forthwith.

Mr *Booth.*] I cannot tell who it is that takes this induſtrious care to create jealouſy between the King and his people. The people cannot but believe it is from thoſe who have been intereſted in *France.* I doubt not but we may yet grapple with *France*, if we are clearly dealt withall. I admire that our Forces ſhould be called out of all ſervices, but the *French* King's. I cannot imagine any hopes of War with *France*, as long as we have ſtill that tye with *France.* I would therefore proceed to diſbanding this Army. I cannot give my vote for money to pay this Army, for by it you vote it a ſtanding Army for that time. And it may be called for again, to continue longer.

Mr *Vaughan*] *(To anſwer Colonel* Stroude, *who made a doubt whether the Army would diſband, or no.)* Put the Queſtion forthwith to give money, and then *Stroude* will underſtand it preſently.

Sir *William Hickman.*] If that be a Queſtion, whether they will diſband, or not, I would then the rather have the word "forthwith" put in.

Sir *George Hungerford.*] This Army has forced the *Dutch* to a Peace; and that Army that has done ſo much ill, I would have diſbanded.

Sir *Thomas Meres.*] *Stroude*'s words were, "what if they will not diſband?" I ſuppoſe he means "not without money." Neither can they. But as for the word "forthwith," it cannot be otherwiſe meant, than "ſo ſoon as the money can be provided for them." Perhaps, money may be had ſooner than ſome think. But for an Army to be raiſed, to go into *Flanders* againſt the *French* King, and yet to ſtay in *England*, I would not countenance ſuch an Army for one day. Formerly we were told, "the Army will pay themſelves if they are not paid,"

but

but that has been anſwered fully. As for the great Officers, they may ſhift for themſelves; but the poor infantry, who came in willingly to ſerve againſt the *French*, muſt be encouraged, that you may have them again upon any other occaſion.

Colonel *Birch.*] I would as unwillingly part with this Army, as any body. I had great hopes of ſome effects of our long deſires of leſſening the *French* King. But becauſe we cannot employ them where we would, I would not employ them againſt ourſelves. It was ſaid by *Sawyer*, "That we may diſband them, and have a War." I would therefore diſband them to-morrow. What can therefore be put into one Queſtion, I would not make two. I would diſband and pay them off. Next I move that you would conſider the day certainly for raiſing the money. I ſee nothing but that 'tis a reaſonable and ſatisfactory Queſtion "forthwith to diſband the Army."

Mr *Garroway.*] I would not have it niggardly done, but let every man of them go back home with a mark of your favour. But the retarding your good intention by thoſe who ſhall manage it, I would have taken care of, in this Queſtion, which will lead you into paying them.

Mr *Sacheverell.*] I move to reconcile the Houſe in the Queſtion. We agree on all hands to diſband the Army, and 'tis agreed they ſhall be paid. Put the Queſtion therefore, "That the Army be forthwith diſbanded," and then go into a Grand Committee to conſider paying them.

Mr Secretary *Williamſon.*] I obſerve one thing only from your method, &c. The King has laid it to your judgment. He has told you he expects your opinion. I would have this then, as an humble deſire and Addreſs to the King for diſbanding and paying off the Army. And for the form, ſome ſuch thing as "That 'tis by way of your opinion."

Mr *Williams.*] I would have the words tranſpoſed, to avoid jealouſy of having them paid, and not diſbanded. If paying be in the Queſtion before disbanding, it may be dangerous. The Houſe is in honour obliged, and there is no fear of paying them.

Sir

Sir *Thomas Lee.*] Your opinion is, that it ought to be done, and then ſome body will move for money to do it, and ſo you go orderly into a Grand Committee.

Sir *William Coventry.*] Confine the Queſtion to "thoſe Forces raiſed ſince the firſt of *December.*" 'Tis not your meaning to diſband all the Forces of *England.*

Sir *John Talbot.*] When you diſband them, I hope you will conſider their cloathing, and ſome charges which the officers ſtand engaged for. The officers had but levy-money only, which in my command did not any conſiderable part. I hope you will direct all the Colonels to bring you the accounts of what they have laid out.

Mr *Garroway.*] 'Tis not intended that any man ſhould be ſtripped of his cloaths; but diſmiſſed with marks of honour.

Mr *Pepys.*] You are diſbanding the Army for the Army's ſake, but conſider the Ships and the men for your own ſakes. I would have it only laid before you as a caution to remember.

Reſolved, That it is the Opinion of this Houſe, that all the Forces that have been raiſed ſince the 29th of *September* laſt, except thoſe which have been ſent to the Plantations, be forthwith paid off and diſbanded.

Colonel *Birch.*] I would breathe a little from unneceſſary charges, for I fear the dregs of this War may come upon you. I hear of preſſing of men every day, and this muſt be a charge. I deſire that charge may be eaſed. I would know whether any ſtores are bought; and whether with Cuſtom-houſe-money or Poll-money? I would know why there's any need of more ſhips than a ſummer's guard? for I hear great ſhips are falling down to the *Buoy of the Nore.* I take the caſe to be—if you ſhall be grappled withal, as I know not how ſoon we may be, I would have an hundred and fifty. Every one of them to have a warehouſe to a yard of polling, and an inventory to lie upon it, viz. "There's for firſt, ſecond, and third rates." And your Navy will be ready without ſtaying four minutes. 'Tis all one whether you have an hundred or ninety, unleſs you take ſuch a courſe. And

" That the King be deſired to put the nation to no more charge than for a ſummer-guard of ſhips."

Mr *Pepys.*] I am ſo far from excepting againſt my worthy friend *Birch*'s motion, that I thank him for it. What he moved was, " not to put the King to more charges than for a ſummer's guard, &c." I have many honourable perſons my witneſſes, viz. the Lords of the Admiralty, that the King has ordered it already. But I could not tell it you without their leave. This was done before any Debate here of diſbanding, &c. But there's a growing charge upon your hands, which is the wages of a great many thouſands of men. On almoſt all the ſea-coaſt, eaſtward, northward, and weſtward, are near eighteen thouſand ſeamen, and no man ever could think of ſo many for a ſummer guard. As for the ſtore-houſes, if *Birch* would go but to the yards, he will find them as ſtrictly kept as any account of his money in his pocket. This is ſo ſtale a thing, that it was done before he was born, or his father.

Sir *Thomas Lee.*] I would not clog the diſbanding of the Army with any thing elſe; but it would be well if the embargo was taken off the merchant ſhips.

Sir *John Ernly.*] The Fleet and the Army come to forty thouſand pounds a day. The charge of the land and naval Forces have eaten out all your Poll-bill, of which you may have a particular account when you pleaſe.

The Speaker.] The paymentsof the Army will give you an account of what's already paid, and what remains due.

Mr *Papillon.*] In reference to the Navy, if there be an order for taking off the embargo, I am ſatisfied. But trade has been at a ſtand by it, becauſe men are ſtopped. There's a difference betwixt landmen and ſeamen. The landmen know not whither to go for employment. But ſeamen will increaſe wages upon you. Seamen will be glad to have tickets, that they may ſerve in the merchants ſervice.

Mr *Pepys.*] I will only make a repetition of what I thought I ſaid plainly. The taking off the embargo will be confirmed at the Council-table, for there it muſt be,

and

and I would remind you only how much work this matter of tickets coſt you formerly. I would, for ſaving your reputation, have them paid off without tickets.

Sir *Thomas Littleton.*] If the embargo be taken off, the ſeamen will come out of their lurking-holes, and merchants ſhips will not want them.

Sir *Thomas Lee.*] I do not remember to have known two motions for money in one day. I would adjourn the Houſe.

The Speaker.] "Forces" comprehend both ſea and land, and 'tis within your vote.

Sir *William Coventry.*] Plainly by the Debate only "land forces" are meant. I deſire not to be left without any Navy at all. If you pay off all that are ſeparate from the *Streights* fleet, you'll have ſo ſlender a ſummer-guard, that the *French* King may eaſily make an attempt upon you. But I confeſs, I know not the meaning of a "ſummer-guard." If a great one, you may have it put in precedent upon you for the future. If a ſmall one, 'twill be of no uſe. But our fears are the Army. And though the charge of the Navy is greater than the Army, yet as the fears of the Army will vaniſh when the Army is diſbanded, I would go about that, and have another day for conſideration of the Navy.

Mr *Pepys.*] With a little explanation, *Barnardiſton*'s motion may be a good motion—They are taken up for ſix months—Is he willing to have them ſuddenly diſbanded?

Barnardiſton ſaid, he was willing. *Pepys replied*, He was beholden to him for the motion, and it would be accepted.

Colonel *Birch.*] I cannot think but that thoſe merchant ſhips, fallen down, are fully fitted out. And I would have every yard of bowling laid up as if they were to go away that day ſeven-night, all laid up ſo; and an inventory upon it. This will keep them ſafe, if any thing will, and you may ſet out an hundred ſail at a ſhort warning. Therefore I move "That a Committee be appointed, to conſider of the beſt ways and means to leſſen the charge of the Navy, and to take an account of the preſent charge."

For which *Monday* was appointed.

Sir *Thomas Littleton.*] Now this is over, I have a Petition concerning *Aldborough* *, [in the county of *York.*] There is annexed to it an Affidavit, which is rather a work of ſupererogation, but what will not vitiate the Petition.

Sir *Richard Temple.*] We are not to receive Affidavits here. I would have it ſtruck out.

The Speaker.] If the Affidavit be fixed to the Petition, if you receive the Affidavit you receive the Petition.

Sir *John Talbot.*] If a member can aver, that he knows the hands that have ſubſcribed the Petition, or if any without doors will aver it, you may receive the Petition. But you cannot receive an Affidavit of the ſubſcription of the Petition.

Sir *Thomas Littleton.*] I know the hands very well.

Sir *Thomas Meres.*] Sir *William Wentworth* undertakes that Mr *Wentworth* will proſecute the Petition, and I would have the Petition read, but not the Affidavit.

Sir *William Coventry.*] The matter of the Petition becomes already very burthenſome to the Corporation. T'other day a Petition was delivered, and 'twas a queſtion whether 'twas not ſigned all by one man's hand; now here is an Affidavit of the ſubſcriptions ſent with the Petition, by the miſtaken zeal of the Gentleman. If we are not impowered to receive Affidavits here, 'tis no Affidavit, and you may receive it. If they lapſe any more time in their Petition, they may be nonſuited again, as they have been twice already, and ſo their buſineſs is done for this Parliament. I would therefore have the Clerk read the Petition, and connive at the Affidavit.

The Speaker.] If you'll put the ſitting Member (Sir *John Rereſby*) to theſe unneceſſary diſturbances, and admit every irregularity, &c.

Sir *Thomas Lee.*] I would publiſh rules, that all perſons muſt come from all parts of *England* to avow Petitions, and ſo weary men out, that the Mayors and Bai-

* This was a Petition of ſeveral of the Burghers, ſetting forth, "That Sir *John Rereſby* had procured himſelf to be returned for that Borough, though he was not duly elected."

liffs

liffs will chuſe you all the Parliament-men. The caſe of Sir *James Langham*, for *Northampton*. He was firſt choſen by the Commonalty, and ſecondly by the Mayor and Aldermen, and thirdly by both, and yet he miſſed it at laſt. There was ſomething of a Communion-table in the caſe.

Mr *Powle*.] Whilſt we are gratifying a particular Gentleman, let us not loſe an eſſential Privilege; that whenever a Member avers the Petition, you never refuſe it. Sir *William Wentworth* tells you, he knows the hands, and undertakes they will proſecute the Petition. If any Member preſents a Petition to abuſe you, and the Petitioners will not avow the Petition, it is in your power to puniſh that Member, and ſend him to the *Tower*. A Member has ſat here four years, and the Petitioners ſay he has ſat wrongfully. Let us not begin new cuſtoms to hinder complaints of people coming to us. Let the Petition be read, but not the Affidavit.

Mr Secretary *Coventry*.] By this Petition, the town complains of one that ſits, that is not a Repreſentative of them, as a Grievance. It muſt be owned by ſomebody, and I would have it now.

Sir *Edmund Jennings*.] Since the Petition is inſiſted upon, I muſt ſay ſomething, that I otherwiſe would not: I believe it to be fictitious. That letter could not come to Mr *Wentworth* till *Sunday* morning, and he lives twenty or thirty miles from *Aldborough*, and ſending to and again that Affidavit, which was made at *Wakefield* on *Monday*, and this is twenty-ſix miles farther, how it is poſſible this Affidavit could be made in ſuch a time, I leave you to conſider.

Sir *William Coventry*.] 'Tis no compliment to your Member to be the hander of a fictitious Petition to you. I preſume the Member has had caution. If it be fictitious, I wonder Gentlemen ſhould call for adjourning, and not enquire into it: Every Scrivener may elſe put theſe ſlurs upon you, and by calling it fictitious, and not proving it, the Corporation may be ſlurred out of their right too. I

would therefore refer the enquiry into it to the Committee of Privileges.

[The Queſtion being put, That the Petition be read, it paſſed in the affirmative, 139 to 115, and the Clerk was ordered to blot out the Affidavit. The Petition was referred to the Committee of Privileges.]

Friday, May 31.

Mr *Powle* reports the muſters of the Army; the numbers of regiments of horſe, foot, and dragoons, &c. to what time paid, and what arrears.

Sir *Thomas Clarges.*] You can make no eſtimate till you have the Paymaſter's accounts, in order to paying off and diſbanding. Till you have more certain information, you cannot enter into that conſideration.

Sir *William Coventry.*] As for cloaths, the ſoldiers are not come into the King's ſervice by contract for cloaths, like apprentices. I believe, a worſe Arithmetician than that Gentleman *(Spry)* can eaſily caſt up the matter. If you think to go into a Grand Committee, it will not, as he ſays, take up much time.

Mr *Garroway.*] I ſpeak for your information. Here is a diſcourſe of ſeveral men, in ſeveral places, in *Scotland*, *Ireland*, and *France*, that are to be paid off. Remote places of another nature, and that of Guards, are things you have not concerned yourſelves in. I would have you apply yourſelves barely to the new-raiſed horſe and foot, and go into a Grand Committee. Let us put our work before us, and we ſhall know the better how to go upon it. I would have the late-raiſed horſe and foot only conſidered.

Mr *Vaughan.*] There's nothing under your conſideration but the forces raiſed upon the account of a War againſt *France*. That is honorary only upon us. Elſe we may be put upon paying off thoſe who have been in the *French* ſervice, and filling up thoſe regiments.

Mr *Hampden.*] If you put in any new matter againſt your vote, a man muſt not ſpeak againſt it without leave of the Houſe. The Guards and additions to them were upon

upon this occaſion. Let the Committee purſue your Vote.

The Speaker told Colonel Birch, "*That it was indecent for him to bruſh his Beard without a Looking-glaſs.*" *To which* Birch *replied*, "*You would not think it ſo if you had a Beard to bruſh.*

Sir *William Coventry.*] *Lee* has ſet you right. Put the leaſt diſcouragement you can upon what you have voted. I would go into a Grand Committee to-day; but though the Committee is not ready for a ſum, yet you may make a general Vote, "That you will give a ſupply for diſbanding the Army."

In a Grand Committee. Sir *John Trevor* in the Chair.

Sir *William Coventry.*] The Committee is to provide for paying off and diſbanding the new-raiſed forces, from ſuch a time. What are the motives to deſire this diſbanding? One is to prevent exceſſive charge; the other is, that forces may not remain in a body in the nation, to the terror of the people. Suppoſe it has been fit to make the former regiments four thouſand men, ſhall we any ways leſſen the charge, in having them in a few regiments? I would therefore go to "all thoſe forces raiſed ſince the twenty-ninth of *September* laſt."

Mr Secretary *Coventry.*] Your deſign, I ſuppoſe, is, that the King ſhall not ſuffer by raiſing theſe men by your advice. I would have all thoſe men conſidered, &c. that have been raiſed upon this occaſion.

Sir *Thomas Meres.*] Be it as it will, here are Armies, and according to Law they are vexatious, becauſe it is an Army in *England*; therefore I would be rid of it. I would have all the new-raiſed men ſince *Michaelmas*, diſbanded and paid off. And if the Guards were paid off and diſbanded, I would give my vote for it, that the King may live, as his father did, without Guards. How ſhall we be ſure that, when thoſe new-raiſed in the Guards are paid off and diſbanded, they ſhall not ſwarm in again, and come back? Pray think of that.

Mr Secretary *Coventry.*] Thoſe raiſed that went over into *Flanders*, are more under your conſideration than the reſt. As for the Guards, *Meres* muſt give me leave to differ from him; for the Houſe formerly thanked the King for raiſing them.

Sir *Thomas Meres.*] As for thanking the King for raiſing the Guards, &c. I am ſure none of my vote was to it; and I ſaid nothing againſt the thing then; but now I would willingly be rid of them.

Sir *Thomas Lee.*] I ſpeak not of the Guards, but of thoſe raiſed for *Scotland* and *Ireland.* If we entered into a War with *France*, that they ſhould go ſome charge of it, is reaſonable. As for the Guards, thoſe were raiſed without any Vote of yours. Drums were beating about the ſtreets, to make you believe we ſhould have War, to induce you to give money. I would diſtinguiſh thoſe of *Scotland* and *Ireland*, &c.

Sir *Henry Capel.*] Thoſe of *Ireland* and *Scotland* are part of your Vote. I would have them comprehended.

Mr Secretary *Coventry.*] We have had ſeamen from *Scotland* and *Ireland*, for the *Dutch* War, and the King has no way of paying thoſe men there, being not raiſed for thoſe places, but for this kingdom.

Sir *Thomas Lee.*] Becauſe they were intended for that War, and they were ſent into the ſervice of the *French* King, muſt we pay them? By that conſequence, they are paid for ſerving *France.* I believe no man thought of paying them out of the kingdom. It is hard that *England* muſt pay for other countries, who call no Parliaments to do it. And the King has no power there no more than he has in *England.*

Sir *Henry Capel.*] I do not underſtand that thoſe ſhould be paid off that have ſerved the *French* King, but only thoſe that have come over from him.

Colonel *Birch.*] I would not have it ever forgotten, that notwithſtanding all the Alliances ſhowed us, and no War, yet we go about to pay off theſe new-raiſed men for the *French* War. That, I hope, will prevent any hard things that

that may be ſaid to us, for the future. The Muſter-maſter told you, " he believed, a thouſand men were raiſed in *Scotland*, and a thouſand in *Ireland*." He finds their cloathing more than their pay--I would have us hold to this Queſtion. The Vote tells you they ſhall be paid, but not by whom. Now whether are you to defend *Ireland* and *Scotland*, as well as *England*, by quota? But if there be no ſuch quota, 'tis moſt unreaſonable that thoſe forces, raiſed for defence of *Ireland* and *Scotland*, ſhould be paid by *England*. 'Tis moſt unreaſonable that we ſhould be at the whole charge of defending *Ireland* and *Scotland*. Therefore I would have it reſolved, " That the defence of *Ireland* and *Scotland*, in the raiſing theſe men, ſhall be at the charge of *Ireland* and *Scotland*."

Mr Secretary *Coventry*.] I cannot tell whether Lord *Douglas*'s regiment be brought over out of *France*, but I am ſure there are orders for the tranſporting of it. But can *Birch* ſhow me, that the ſeamen raiſed in *Ireland* and *Scotland* were not upon the charge of *England* when raiſed for the *Dutch* War?

Mr *Powle*.] It much concerns *England* not to have foreign forces raiſed to be brought into *England*, to be a terror to us; eſpecially when in the moſt Popiſh part of *Ireland*, and they have Popiſh Officers. This may juſtly occaſion fears and jealouſies. It would have been a ſtrange thing to have raiſed theſe forces in *Germany*; and, by the ſame reaſon, they may be raiſed in *Germany*, as well as there. I will not look back into the late King's time, when there was an intention of raiſing *German* horſe to be brought into *England*. If Leagues had been ſhowed us, much of this charge might have been prevented; but ſeeing it is ſo, I would have you concerned in no more than thoſe raiſed in our own country, and give no countenance at all to foreign ſoldiers.

Sir *William Coventry*.] The charge of thoſe two regiments is not worth your while to conſider. But as to *Ireland*, *Talbot* has taken good care that they were Proteſtants. But I would not have *Ireland* drained of Proteſtants, and would have you diſcountenance this raiſing of

of men in *Ireland* and *Scotland*, where your law of Popery reaches not. I would not have it ſaid, the next time you have need of an Army, (and that may be you know not how ſoon) that an *Engliſh* Parliament pays for a Popiſh Army. And whether theſe men are proper guardians for your laws, and religion, is a queſtion. I would therefore have it, that employing Popiſh Officers, out of *Scotland* and *Ireland*, may have no countenance here.

Mr *Vaughan.*] I would not think there's any obligation upon us to diſband any of the Forces, but what were raiſed purſuant to the Votes of this Houſe. By the Law of *England*, no men can be raiſed, but for foreign ſervice—If thoſe Forces continue in the *French* ſervice, though they were raiſed but for a compliment to the *French* King, of that ſervice we have no obligation upon us. 'Twas a great inſolence to raiſe men in *Ireland* againſt the ſenſe of this Houſe, by a Vote. I would have their Commiſſions inſpected.

Sir *John Talbot.*] I except againſt what is ſaid, "That no man ſhall dare to raiſe men in *Scotland* and *Ireland* againſt a Vote of this Houſe." I would have *Vaughan* explain what he means by "without conſent of this Houſe."

Mr *Vaughan.*] I did ſay "That when there was a Debate in the Houſe, and *Talbot* knew the temper of the Houſe, it was ſome overſight in *Talbot* to raiſe men in *Ireland.*"

Sir *Thomas Lee.*] It ſeems, miſtakes are apt to be to day —*Interrupted by*

Mr Secretary *Coventry.*] A law cannot be made *without* the Houſe of Commons, but not *by* the Houſe of Commons. But that the King may not raiſe forces in *Scotland* and *Ireland*, there's no law againſt it.

Mr *Vaughan.*] There can be no colour of raiſing theſe men, but in purſuance of the *French* War, and theſe men can in no way be onerary upon us.

Mr *Williams.*] That an Army ſhould be brought out of *Ireland* to awe the ſubjects of *England*, was one of Lord *Strafford*'s Articles. I take it, that this Houſe can make

make no Vote to bind *Ireland* or *Scotland*, nor can this Houſe raiſe any men there. They have Parliaments of their own, and our Vote goes no farther then the Forces raiſed here. I value not the men, nor the money to pay them off, but for the ſake of the precedent. The laſt Seſſion, 'twas argued againſt the Addreſs for removing the Duke of *Lauderdale*, that you could not meddle with what was done in *Scotland*. If you cannot bind them by your Law, do not let them have your money. Be they actually in arms in *England*, then pay them off, but let *Ireland* alone.

Sir *Thomas Lee*.] I know nothing againſt it, but that as for foreign forces, the King may raiſe forces where he pleaſes; but then how far is this Houſe obliged to pay them? Only for our own kingdom. Why ſhould you be called upon to raiſe men in *Scotland*, &c. and give a ſupport to diſband them, when you are told the King governs thoſe countries by Parliaments of their own? And we cannot complain that the King raiſes theſe forces in *Scotland*, for then, perhaps, we ſhall be told we invade the King's Prerogative in thoſe countries in doing it.

Mr Sollicitor *Winnington*.] The King may raiſe, and the King may diſband men, by his Prerogative. And I admit, the King may raiſe men in any foreign part.

Serjeant *Gregory*.] Your Vote is only generally "from ſuch a time," and cannot be applied to any place but *England*. If they come out of *France*, or out of *Ireland* to this ſervice, they are within your Vote. You have no power to diſband in *Scotland* and *Ireland*, and poſſibly thoſe raiſed by the Duke of *Lauderdale* may come within your Vote by the ſame reaſon.

Mr *Garroway*.] All you are to do is by Act of Parliament, and you cannot impoſe upon *Scotland* by Act of Parliament. The point that has perplexed us in our Debate, is, the mixture of thoſe forces of *Ireland* and *Scotland*. I would therefore have the Queſtion, "Whether thoſe forces raiſed in *Ireland* and *Scotland* be within your vote?" But will you pay thoſe forces in *France*, or give them any countenance, who would have fought againſt you,

you, if the War with *France* had gone on? Therefore for them I would not give a penny.

Mr Secretary *Coventry*.] I am very loth to entail an Army upon the King of *France*, by not keeping theſe men off, &c. and diſbanding them there. If they muſt not come over from thence (and poſſibly I am not without my fears of occaſion for another Army) I would not have the fatality of having them entailed upon *France*. When they are diſbanded, and taken notice of by Act of Parliament, they are no longer as a regiment, or a body, and for that reaſon I would take them into the reſt of the forces.

Mr *Sacheverell*.] I am ſorry that the Gentlemen in *France* ſhould come to any loſs, but it ſeems ſtrange to me that the King's Proclamation ſhould not bring them over; and that a letter from his Majeſty ſhould bring them over. Perhaps, had they come over, we might not have been as we are. I would therefore divide the Queſtion.

Mr Secretary *Coventry*.] The King's Proclamation for recalling them was a bare one, without aſſurance of employment when they came back. The King's Letter aſſured them of employment, and that brought them over. When the King's Proclamation was put out, it did not ſignify to what end they were recalled, which was the cauſe why they did not come over; but when the Secretary wrote a Letter to ſignify that they were to be employed here, that immediately brought them over.

Mr *Williams*.] The King can no more raiſe men in *England*, than he can raiſe money. 1 *E.* III. 7 *E.* III. 4 *E.* IV. They muſt be raiſed according to Law; according to the Militia-Act—But unleſs in actual invaſion or rebellion, he cannot raiſe any.

Sir *William Coventry*.] I would have this argument laid aſide, becauſe perhaps we are not ſo able to argue it, and perhaps not ſo able to judge, as the Gentlemen of the Long Robe.

Sir *Robert Sawyer*.] It is ſaid, with great aſſurance, "That the King can no more raiſe men than money;" but

but 'tis the firſt time I ever heard ſo. Then the conſequence muſt be, that the King has raiſed all theſe men againſt Law. You have ſaid, over and over, that the men were not raiſed in purſuance of your Vote. And I would fain know if the King be in League with a foreign Prince, and the Law makes it felony for thoſe ſoldiers to go away from their colours, can any man that ever read the leaſt tittle of Law ſay, that in caſe of rebellion, and invaſion, the King may force men to take up arms, yet not grant a commiſſion to pay theſe men?—It was never aſſerted before. In *H.* VI. and *H.* VII.—Felony, and hanged for it. To undertake to aſſert the Law, in ſuch a great place as this, "That the King cannot raiſe men, &c." when it has been conſtant according to the tenor of the Law—I wonder at it.

Mr *Vaughan.*] He did not aſſert it ſo generally as *Sawyer* alleges he did.

Sir *John Talbot.*] We have ears, as well as that Gentleman, and I would not have one Gentleman explain for another.

Lord *Cavendiſh.*] To Order. *Talbot* miſtakes; for what *Vaughan* ſaid was a reply to what *Sawyer* ſaid.

Sir *Jonathan Trelawney.*] In a former Debate, *Williams* has given occaſion of exception. He avers now, "That the King has no more power to raiſe men than he has to raiſe money."

The Speaker.] If *Williams* will ſay that 'tis a lapſe, it will be let go as uſual. But if he aſſerts it for Law, I would have the words written down.

Mr *Williams.*] I gave my words ſeveral reſtrictions. The King may raiſe men in caſe of rebellion or invaſion in the Kingdom, as in 3 *E.* III. 4 *H.* IV. 3 *H.* VII. The Law of the Militia declares "making of Peace and War in the King." That is a Declaration, in matters relating to the Militia of *England*, and 'tis but a Declaration of the Common Law. I ſubmit myſelf to correction, and make ſubmiſſion to the Committee.

Mr Secretary *Williamſon.*] I am unwilling to ſpeak of the power of the Prerogative, in this place to be handled with

with great reverence, and we are ſupported under it, and are a happy people. The words were ſaid again and again, "That the King had no more power to raiſe men than money." I will not preſs any hardſhip upon the Gentleman that ſaid them, but I would enter no farther upon it to define the whole thing. I would do as I would be done by. I may ſlip as well as other men. Should any thing of the Prerogative be entrenched upon now, it would be as fatal to you as entrenchments upon your Liberties.

Mr Secretary *Coventry*.] There was never any queſtion of drums beating for the aſſiſtance of friends and Allies, in Kings and Queens times, for *Sweden* and other Princes. This Prerogative does not betray or offend the ſubject. If the King has not power to raiſe money, he has not the power to levy men, and that is the conſequence of the words. I would have the words written down.

Sir *Thomas Lee*.] We have heard much of former times, which did ariſe from the jealouſy of Prerogative and Liberty. The words muſt be written, and then you muſt argue them. I am afraid there may be inconvenience in ſtirring any of theſe Queſtions. 'Tis ſo unſafe to define Prerogative and Liberty, that I would leave them where they are.

The Speaker, *out of the Chair*.] I would give room to any Gentleman to explain himſelf. But *Williams*, by his explanation, has made the thing worſe. Jealouſies and fears have riſen formerly from ſuch damnable doctrines as theſe. I would have the words written down and read, and then judge of them as they deſerve.

Mr *Williams*.] I would not willingly forfeit my modeſty in this Houſe. I am willing to ſatisfy the Committee. I am in your judgment, and I ſubmit it to the Committee.

Sir *George Hungerford*.] *Williamſon* ſaid once, "If the King paid the Forces, he might raiſe as many as he would."

Mr Secretary *Williamſon*.] He has named me for what I ſaid

I ſaid in another Seſſion of Parliament; but the Houſe at that time did acquieſce in what I ſaid, on my explanation.

Mr *Williams.*] I have had the misfortune to run into a miſtake, and your time is of more value than any concern of mine. I acknowlege my error, and humbly aſk your pardon for it.

And ſo the thing paſſed over.

Mr *Garroway.*] We have a very nice thing before us. The whole thing has run upon words, and not matter. It may be, I ſhall not be ſo lucky as to offer you words, but the thing I mean is to comprehend theſe men within a number, though without naming them.

Sir *Thomas Meres.*] Whether ſuch words may include, or not include them, in the Vote, lies upon the ſenſe of the Houſe, and then you may debate it. Therefore make a general Vote, " That towards a Supply for diſbanding this Army you have a Poll-bill, and that you will ſupply what ſhall be wanting in the Poll-bill for that purpoſe." And, if poſſible, let us be unanimous, and not break for niceties.

Sir *John Ernly.*] I am glad that, after ſo many hours Debate, we ſhall come to a Queſtion. Therefore I would have it reſolved, " That there ſhall be a Supply for diſbanding the Army, &c."

Sir *Thomas Lee.*] I would know what this Queſtion means. If it be general, the Houſe has already voted it, viz. " That the Army ſhould be paid off and diſbanded." If you are ordered to conſider that Motion, is it barely Aye, or No? It is to take as much, or as little, as you pleaſe. Now I would fain know, whether it is not a regular Queſtion, to take it from ſuch a proportion of men, and to reject it for the reſt.

Reſolved, That it is the Opinion of this Committee, That a Supply be granted to the King towards the paying and diſbanding [of all] the Forces raiſed ſince the 29th of *September* laſt. [Agreed to by the Houſe.]

Saturday,

Saturday, June 1.

The Lord Chancellor's Speech was read.

[Debate.]

Mr *Powle.*] I always thought it a great offence in any man to make a diviſion betwixt the King and his people, and thoſe that do it to raiſe their fortunes from it; and more eſpecially in this conjuncture, the greateſt poſſibly we have known. We have had ſharp Meſſages from the King, and have been enquiring into the perſons that have given this advice. I wiſh the Lord Chancellor had taken the advice himſelf he gives us, of "*State ſuper vias antiquas**." The Speech ſpoken by the Lord Chancellor, in the Lords Houſe, is not truly repreſented to us, in the printed paper. There are ſeveral things left out. 'Tis very notorious that he ſaid, "What we had done looks like a defamation of the Government†." And he called it "a republican defamation of the King and Houſe of Lords‡." And a great many other paſſages he has mollified and ſoftened in the print. I paſs by the ſmaller exceptions that may be taken, and go to the greater; as that of laying an imputation upon us of the loſs of *Flanders* §. I wonder we are accuſed of that crime, for had our offers and advices been followed, the Peace had never been made; for which advice we had the ſharp Speech from the King. But I apply myſelf rather to that part of the

* "Theſe innovations (of tacking, &c.) the King reſolves to aboliſh, and hath commanded me to ſay, *State ſuper vias antiquas.*" *Lord Chancellor's Speech.*

† In the Speech, as it is now printed, are theſe words: "The late way of tacking together ſeveral independent and incoherent matters in one Bill—*looks like a kind of defamation of the Government.*" *See the Speech.*

‡ Theſe words are not to be found in the printed Speech.

§ "When it was heard abroad that this League with the States had been ſo ill underſtood at home, and had been ſo unfittingly and undeſervedly reflected upon, that a reſolution had been taken to give no money, till ſatisfaction was given in matters of religion, and ſuch an Addreſs preſented to the King, as had never been heard of before in any ſtate or kingdom in the world, and that his Majeſty had proceeded ſo far as to expreſs his reſentment of it; then they concluded with themſelves, that it was in vain to rely any longer upon *England*, for *England* was no longer itſelf." *Lord Chancellor's Speech.*

Speech

Speech where he lays reflections upon us. For any man whatſoever, except the King, to paſs ſuch judgments upon the Houſe, is a high offence. Now whether that League, or the cenſure we are under, was the cauſe of the loſs of *Flanders*, I leave to the world to judge. The Chancellor puts weight upon our giving no money, and our jealouſies about religion [*and then he reads that part of the Chancellor's Speech relating to it, which ſee in the Notes*] and "that the Commons cannot think it ſuitable to their truſt, &c.* I think it can never be ſuitable to our truſt to give money and leave mens minds unquiet as to the growth of Popery. But obſerve the time. It was three months intermiſſion of our Vote, &c. and in the interim they treated Peace with the *French* King. Moſt men were ſenſible that Popery was coming on, and 'twas reaſonable to "quench our own fire firſt, &c.†" Reaſons were delivered, at a Conference with the Lords, of our fears of Popery. The Lords might have given you better reaſons, and you might have receded, and ours was no binding reſolution againſt better reaſons. The laſt thing, &c. is about the Addreſs ‡. I cannot imagine to what part of the Addreſs he applied. Was it to our advice to the King? The King aſked it, and we gave it. Was it to our advice, to remove thoſe Counſellors that adviſed ſo ill? 'Tis the ſame thing, that this Parliament and all others have done, &c. The Chancellor lays an imputation upon this Houſe, for buſying themſelves about religion, grievances, and properties ‖. For-

* "It is worthy conſideration, whether we do not bring ſome kind of ſcandal upon the Proteſtant religion, when we ſeem ſo far to diſtruſt the truth and power of it, that, after ſo many laws paſſed to guard it, and ſo many miraculous deliverances from the attempts made againſt it, we ſhould ſtill be afraid of its continuance." *Lord Chancellor's Speech.*

† "If this Seſſion do not repair the misfortunes, and amend the faults of the laſt, it will look like a fatality upon the nation. He whoſe Houſe is deſtroyed by fire, would find but little comfort in ſaying, "The fire did not begin by his means;" but it will be a matter of perpetual anguiſh and vexation to remember that it was in his power to have extinguiſhed it." *Ditto.*

‡ See the former Note.

‖ "As little reaſon there is to be jealous of our liberties and properties, &c." *Ditto.*

merly the Chancellors, in their Speeches, gave intimation that we ſhould be relieved in our grievances, and preſerved in our privileges, before money was aſked—But now 'tis quite otherwiſe. The firſt thing done is money. And when that is granted, we are ſent home to be "a ſcandal to the Proteſtant religion *;" to ſecure it is ſtrange. I appeal to this Houſe, that, if the Proteſtant religion is not in danger, we have made Votes very idly. I think no man can ſay that 'tis conſonant to the uſe of Parliament for a Lord Chancellor to tell us, "there are no grievances, or cauſe of complaint†." And is not this to ſhut up all doors to complaints?—What then is the uſe of Parliaments, unleſs to give money? That part of the Speech is applied principally to the Commons. The Lords have their ſhare alſo in the Speech. The Chancellor ſays "it takes away their negative voice, to have foreign matter tacked to a Bill, &c." This is a reflection upon the Lords, and the King and Council, who gave their conſent to the Bill. This arraigns us all. That notion I have of the Peers conſent is, that they have no "negative voice" in Bills, but a deliberative voice. They may untack it, alter it, and qualify it. In that part of his Speech, he is very unjuſt upon us. To the Chancellor's republican reflection of "power to the Commons altering the methods of Parliament, and by conſequence the Government, by this way of tacking"—This is ſuch an imputation upon the Commons, that if the Commons are guilty of it, they are not fit to ſit here. I need not go farther than *Magna Charta* to prove this tacking of foreign matter to a Money Bill. 14 *E.* III. Numb. 16. "The Commons grant the ninth fleece, ſheaf of corn, and lamb, to the King, in conſideration of confirming *Magna Charta*." Theſe conditions are in the laſt Chapter of all. 18 *E.* III. Numb. 10.

* See a former Note.

† "Let them that can, ſhow the time, ſince the world began, and this nation was firſt inhabited, wherein there were fewer Grievances, or leſs cauſe to complain in, than at this preſent time: nay, let them ſearch all ages and places, and tell us when and where there was ever found a happier people than at this day." *Lord Chancellor's Speech.*

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The Commons granted an aid, &c. "on condition their petitions ſhould be granted, &c." 22 *E.* III. "on condition the juſtices in Eyre's court, and the foreſt, &c. ſhould be regulated, and that no tax ſhould be granted but in Parliament." There are ſeveral other conditions, &c. The thing is not new; and in thoſe days, none of theſe direful effects and conſequences, that the Chancellor mentions, have followed—Theſe things are fatalities in the Government, and not the nation's fault. The Chancellor admoniſhes us, "to mend the faults of the laſt Seſſion, &c." That implies ſomething of crimes, and we are not told what they are; we might elſe have mended them. I look upon theſe I have mentioned, as the principal things liable to exception, in the Chancellor's Speech. In the laſt Seſſion but one, it was thought a crime to debate whether this Parliament was diſſolved by the long Prorogation. But this is the way to diſſolve all Parliaments—And that we are not fit to be truſted. I would have the Houſe vindicate themſelves, and vote ourſelves not guilty of theſe things the Chancellor charges us with, and "that we are not the occaſion of making the Peace with the *French*, nor the ill conſequences of it."

Mr Secretary *Coventry*.] 'Tis objected "that the Lord Chancellor, in his Speech, ſhould charge us with being the authors of the Peace, &c." But the States concluded that the King and the Parliament being at difference, would not proſecute the War, and they went into a Peace. He ſays, "their Miniſters ſaid it." Now whether that be a crime for a Miniſter of the King's to tell you what they ſay, I leave it to you. And as for the fault being laid upon the Parliament, we are not the whole Parliament; it is upon the Lords as well as us. The Chancellor ſays, "Mend the faults of the laſt Seſſion." Why ſhould not we ſay "the fault was in the Lords delay of the Bill of Popery," &c. In *E.* III's time there was no matter of tacking then, as is alleged, &c. for the King might, by cuſtom of Parliament then, take what he pleaſed of a Bill, and reject the reſt. That the King is to take all, or none of every Bill, &c. was not till *H.* IV's time. But what will you make

of all this? Where will you complain, or of what? If there be a difference between the King and the people, the fault is ſomewhere. For a Miniſter to ſpeak by the King's command, it may be he's miſtaken—The Lords may be in the wrong, and the Commons in the right; [but that] makes them not criminal. I ſee not how you can arraign the Lord Chancellor of any fault.

Sir *George Hungerford.*] The King, in a Speech, gave great encomiums to the Lords; the meaning was directed to us. The Chancellor mentions "coffee-houſe diſcourſe, &c*. I ſuppoſe the Lord Chancellor goes not to coffee-houſes. The ſame day we made a Vote about Religion here, the King of *France* ſent to the States for a Peace. The fault is not at our doors, but the Lord Chancellor's.

Mr Secretary *Williamſon.*] I am afraid that the Vote propoſed, viz. "that you were not the cauſe of making the Peace," will not anſwer any man's intentions, if he had his own ends. I am afraid it will not anſwer his own ends that propoſed it. The Lord Chancellor ſpeaks the King's words, and by his command, which he cannot alter, any more than I, as a Secretary, who write the Meſſage, and bring it to you. It is far from reproaches upon you, but it appears to me to be tenderneſs. We are under misfortunes; and I am far from ſaying that the *Dutch* did us right, when they conſtrued things that paſſed here with that extremity; but they had, without doubt, great influence upon affairs. *Hungerford* has told you right, that "the King of *France* ſent to the States for Peace, &c." The King had that tye upon them that they declared in the negative, and they were ſo aware of that, that they made proteſtation that they would not depart from their Treaties with us. As to this Houſe, the conſtruction they put upon what you did, was the cauſe of the Peace; but I ſay not how juſtly. If I ſaw a neceſſity of juſtification of this Houſe, I ſhould do it. If things are not paſſed by, there is no end of it, but paper conferences betwixt the King and us. I think there is no great cauſe of this, and

* "Shall we endure them that dare ſay in coffee-houſes and public places, that the Nation is enſlaved?" *Lord Chancellor's Speech.*

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the Queſtion is much to the hazard of the Government, when the parts agree not with the head. Theſe parts of the Chancellor's Speech are but for direction and recommendation of things. Where will that end, when the Lord Chancellor's Speech is the King's, and you arraign it? I humbly beg that you will not enter into the diſquiſition of that Article that was moved by *Powle*.

Mr *Vaughan*.] If any things be ill in the Speech, and not warrantable by law, they are not the King's words, but his that ſpeaks them. I do not doubt but there will come a day to ſhow that theſe diviſions betwixt the King and us are not our crime, but our fate. A cenſure upon the Commons of *England* is too big for any ſubject to lay. I had the honour to be as deep as any man here for a War with the *French* King. It was for the great ſafety of the King and kingdom, and there was perfect juſtice in it, and great duty and loyalty, &c. We have ever held it the policy of *England* to keep *Flanders* in ſuch hands as may aſſiſt us. Now when we addreſſed for a War againſt the *French* King, it was, becauſe he, contrary to Treaties, and Oath at the Altar, has done all things for his own glory. And the ſtopping this torrent was juſt. If we do make ourſelves great againſt thoſe people we have ſo often fetched victory from, thoſe who did adviſe War, I think, gave good advice—They that made thoſe diviſions betwixt the King and us, are as bad as they that fomented them. As for tacking, &c. when we are going to War, was it not prudent to leſſen his power, and keep money in the nation, and hinder it from going into his? The Chancellor tells us of "*State ſuper vias antiquas*." There is a precedent of 14 *E.* III. 19 *E.* III. If the War ceaſes, the Grant ceaſes alſo. But it ſeems, tacking muſt not be, becauſe it is diſguſtful to ſome particular perſons, though for the public good. I have many more precedents, but I only deſire you to clear the imputation from the Houſe, in the Chancellor's Speech.

Sir *Thomas Lee*.] That is a great miſtake, "that all that is ſaid in the Chancellor's Speech, is by the King's command." [*He reads the beginning of the Speech*.] This

he has by the King's command. "That we have done, &c. to the defamation of the Proteſtant religion," is no part of the King's command. I only obſerve that the things objected are far from the King's command. The ſtyle of the King's Speech and the Chancellor's differs. In the King's there is no reflection upon us. Only he tells you of "tacking." As for what you are told of "*Edw.* III. rejecting and taking what parts of Bills he pleaſed," now the King takes all or leaves all; yet the condition being with money, I would aſk any man, whether then the King could take the money, and leave all the reſt of the Bill? I am unwilling to look back to the *Palatinate* War, in King *James*'s time. I think at that time there were fears of Popery, but all that time the Fleet was not to be repaired—That was to give diſſatisfaction to *Gundomar*. The ſame thing we were told, "That the Leagues were the King's Leagues, and we could not alter them." But now you give the King advice, you muſt bear all the blame! But 'tis not the League, &c. I wiſh that, in three or four years, it appears not how much we are in the right, and they in the wrong; and that this Peace be not the conſequence that *Flanders* be quite over-run, and ſo you pay all the reckoning at laſt. 'Tis not a Prorogation that makes an end of Grievances. The King has them before him, and let him make an end of them, if he pleaſes. They arriving there, they have their utmoſt ſtop. In your abſence by this Prorogation, the affairs of *Chriſtendom* have been altered. You were ſcattered and ſent home, and that made the Miniſters then ſhift for themſelves. I would therefore leave it to poſterity, that this Houſe is not the author of the Peace, that has had ſo ill an influence upon the kingdom.

Sir *Thomas Meres*.] The Queſtion is very plain, and in a few words, and the better, viz. "That this Houſe has not given any occaſion for making the Peace mentioned in the Chancellor's Speech."

Lord *Cavendiſh*.] I move that the Queſtion may be, "That the imputation in the Chancellor's Speech, of this

this Houſe being the occaſion of making the Peace, is injurious to this Houſe."

Sir *Thomas Littleton.*] I'll go ſo far, "That the Houſe is not the occaſion of making the Peace, &c." But I would have the Vote to explain itſelf; therefore add, ſo as to leave no room to ſeek what Peace you mean, "the Peace mentioned in the Chancellor's Speech."

Sir *Adam Brown.*] I underſtand not the Queſtion. We are not told in the Chancellor's Speech that it is a Peace. It may be a War yet.

Mr *Garroway.*] You are no way tender in this matter, but to vindicate your own honour. Therefore I move that the words of the Queſtion may be, "That this Houſe was not the occaſion of making the Peace mentioned in the Chancellor's Speech."

Sir *George Downing.*] I do not find it charged upon you, in the Chancellor's Speech, that you were the occaſion of the Peace. If the States and *Spain* will go upon grounds that you have not done, there's no reflection upon you. This they affirm in matter of fact; but if they ſaid not ſo in matter of fact, and they have miſled themſelves in it, to make a Peace, that muſt reſt upon proof. In my opinion 'tis not a time to aggravate things; and to look back will do you no good. Time will judge for you, and vindicate you, and make you honourable and great, as that of *Britany*, &c. And a Vote is not worth a button. Your Books will ſhow it ſufficiently without a Vote. And I would ſtand and fall by the judgment of your actions.

Sir *William Coventry.*] I hope it is not your intention to preſs this thing perſonally upon the Chancellor, but to take a riſe only from his Speech to vindicate yourſelves upon this great matter of the Peace. I doubt not but your advices would have remained to poſterity, as to the matter of the War, &c. had not ſomething in this Speech been thrown upon you, to lay an imputation upon you, by a foreign Ambaſſador. I take it, that the King's honour, and our's, has been aſperſed, and not vindicated. I am ſorry it has not been better managed

in another place, that the whole ſcandal ſhould be thrown upon the Parliament and nation. I wonder that's let ſlip. 'Tis admitted, " that that very day we voted the Addreſs againſt Popery, &c. the States admitted the *French* King's terms of Peace." Then ſure that Addreſs was not the occaſion of the Peace. The Vote for entering into Leagues was ſubſequent, four, five, or ſix days, and could not be the cauſe; that was yet later than the other. To hear that the Parliament was angry with thoſe that obſtructed the Alliances, &c. I ſee that cannot be the colour of it. When the King, Parliament, and all his people were ſo clear in it, I wonder that a thing ſo natural to be vindicated, was not. I am far from reflection on the Chancellor, but what I ſay, is to vindicate ourſelves. The words offered for the Queſtion ſeem to come from calm and temperate reaſoning, and I would have them put to the Vote.

Mr Secretary *Williamſon.*] *Coventry*'s reaſon is plain; the *Dutch* have taken occaſion, &c. but none has been given, and the King and the Houſe have not been done right by. I told the States Ambaſſadors, " if they made that inference from us, they made a wrong concluſion upon us. Do but aſſiſt with men and ſhips, and we will have War to-morrow." We told them, " Do this, and you cure all our miſunderſtandings, and the fault is at your doors." This was my duty—And the ſame was ordered to the King's Miniſters, on the other ſide the water. I ſhall ſay it ſtrongly, that the *Saturday*'s Addreſs againſt the Miniſters was another occaſion of the thing. The matter of the Treaty is the King's, and this likewiſe they raiſed as an argument too for the Peace. This occaſion of vindicating the King and you was not overlooked, and in repelling, and refuting it, to the Ambaſſadors. And I deſire no Queſtion of that kind moved may be put.

Sir *William Coventry.*] We are told by *Williamſon*, " That vindication, &c. was not wanting." I give him thanks for it. I am glad it was refuted by him. But it ſeems it was not ſo taken notice of as for the Chancellor

lor to know it. He would never elſe have declared it in the face of Parliament, but with a brand upon the *Dutch* for it. *Williamſon* refuted it where he met it; but who has done it in the face of the kingdom, and the Parliament? The whole nation does take it ſo much to heart, that if thoſe ſervices are expected from this Parliament to be done, if it be intended to preſerve our reputation, we muſt be vindicated from this, elſe we ſhall never be able to do the King that ſervice we ought to do. I think the Queſtion propoſed is very modeſt; but not ſeeing any thing more modeſt propoſed, I am for what is propoſed.

Sir *Robert Howard.*] This Queſtion propoſed is as if your own Addreſſes would not juſtify you. And now you go and make a paper-defence, as if one ſhould aſk, "How does your neighbour?" and it ſhould be anſwered, "He is not himſelf, he is mad."—And ſo as if this Houſe of Commons ſhould vote "that we are not mad." I deſire cloſures in all things, and I think it not for your honours to make this Vote.

Mr *Powle.*] *Ford* ſeemed to ſay ſomething of "an ill precedent of arraigning the Chancellor's Speech." I ingenuouſly confeſs, that, as I know no ſuch precedent of arraigning the Chancellor's Speech, ſo I know no precedent of ſuch a Speech.

Sir *Edmund Jennings.*] It is *Spain* and *Holland* that have made the reflection upon us, of making the Peace; therefore I would have the Queſtion, "That *Spain* and *Holland* ought not to take occaſion, from any thing from this Houſe, to make a Peace with the *French.*" This, for aught you know, may make *Spain* and *Holland* aſhamed of what they have done.

Sir *Thomas Littleton.*] I deſire a word to the Queſtion. Here you have a Speech of the Chancellor's, that I wiſh had not been made. We had a Prorogation, and I hoped good effects might have been upon it, to have begun upon a new ſcore; but I find old things are ript up. I have no averſion to the Chancellor, but I would vindicate ourſelves. Here is a Speech made, and printed, different from what the Chancellor has ſpoken; either the

the printed one was not the King's mind, or that which was ſpoken. I take it either way; whether the reflection is from the States, &c. or the Chancellor, we ought to vindicate ourſelves. But becauſe you are told by *Downing* "that (as in the caſe of *Britany)* time will ſufficiently vindicate you," put the caſe that the Parliament had then left it ſo far upon them, and ſilence had admitted it; had the Parliament in thoſe times ſat ſtill, the Queſtion is, whether future time would have vindicated them, any more than it is now likely to vindicate us. It is therefore high time to vindicate ourſelves. When Armies are diſbanded, and all the Confederates Army, but the *French* Army remains, what a condition are we in? What will become of us? We are ſafe neither in War nor Peace. The *Dutch* will be wholly at the *French* diſpoſal, and then unity amongſt ourſelves will not help us. I diſclaim the Peace, and I hope every man will be of my mind, that we had no hand in it.

Sir *Winſton Churchill.*] The Lord Chancellor is a great maſter of words, and he weighs them before he ſpeaks them. His words are rather a relation of the matter, than an accuſation of us. But ſuppoſing they were an accuſation, and he ſpeaks his own ſenſe (if he might ſpeak it there) ſhall the Houſe of Commons ſay no more than the greateſt criminal? "Not guilty," and no more? You muſt go farther; but in ſome ſenſe, I think, we are guilty. For our continual preſſures of the King of *France* in this Houſe have brought him to this Peace. 'Tis a maxim in a book now recalled, "That the King of *France* might have all the world his enemies, if *England* were his friend." Then put the caſe, that we are as clear as may be imagined from being the occaſion of this Peace, will you now invite dangers, by proclaiming them? It becomes wiſe counſellors to contemn them, rather than ſhow them, by proclaiming them in *Gath* and *Aſkalon.* Let us fortify ourſelves by ſome brave reſolutions; but to hang the fault on I know not whom—I would lay aſide this Queſtion, and go upon ſomething that the King and country may thank us for.

Sir

Sir *George Hungerford.*] You are told (by *Williamſon*) "That the *Dutch* made ſome part of the Chancellor's Speech." I would know who made the reſt. The Army was pretended to be raiſed againſt *France*, but all the world knows there was no ſuch intention. I would have the Queſtion put.

Mr Secretary *Williamſon.*] If *Hungerford* can make that good that he ſays, of the Army, there's an end of all.

Sir *George Hungerford.*] The world ſays this Peace was made in *January*, and the Army was raiſed ſince.

Mr Secretary *Coventry.*] When the King has told you upon his royal word, that he intended a War with *France*, I wonder this ſhould be ſaid.

Sir *Thomas Meres.*] Where does War appear? Does it in this League we are ſhewn?

Sir *Thomas Littleton.*] If exceptions are taken at *Hungerford*'s words, the firſt thing to be done is to have them written down [*And there was a great cry*, "Write them down."]

Lord *Cavendiſh.*] When there was a vote for 300,000*l.* for men and ſhips—

The Speaker interrupted him to Order, to have the words written down.] The words were theſe, "We all know there was no intention of a War againſt *France.*"

Lord *Cavendiſh.*] The words were theſe, "We have reaſon to believe there was no War intended againſt *France.*"

Mr *Papillon.*] The words were, "If it be true, as the world ſays, there was no War intended againſt *France.*"

Another ſaid.] The words were, "We know all the world ſays there was no War intended againſt *France.*"

Mr *Goring.*] Yeſterday there was a Grand Committee for diſbanding the Army, but I ſee now there is need of keeping it up, if theſe things are ſaid here. [*Theſe words gave ſuch offence that ſeveral called* "To the Bar."]

Sir *George Hungerford.*] What I ſaid I do ſay again, viz. "That the world ſays ſo, and it is ſaid abroad, &c." My intention was, "If it be true what the world ſays."

Mr

Mr Secretary *Williamſon.*] If this be, it is to turn the Government into diſſimulation. I confeſs that there is no War is a great diſappointment, and Gentlemen may have ſome grains of allowance. But the words were very broad, and if admitted will render the Government a cheat to all abroad. But if the Houſe be off from debating the words, I am ſo too.

Sir *Thomas Lee.*] When the Gentleman has plainly told you what his intention was in the words, and the Houſe ſeems ſatisfied, I would proceed in the Queſtion you were upon.

Mr Secretary *Coventry.*] When Gentlemen oppoſe "what the world ſays" againſt "what the King ſays," it cannot paſs without notice.

Sir *Thomas Clarges.*] The Lord Chancellor ſays, "the King had gained a great point upon them for that Peace," but ſtill it was a League offenſive and defenſive for a Peace. The intentions were for a Peace. Since *Williamſon* is ſo fruitful of admonitions how we ſhould demean ourſelves, I would have him take ſome himſelf, and ſo behave himſelf like other honourable Miniſters, who take things to themſelves, and lay them not upon the King.

Mr Secretary *Williamſon.*] Whenever I eaſe myſelf, or other perſons, I deſire to do it upon myſelf rather than the King.

Colonel *Birch.*] Do what you will about reading the words, but keep the Order of the Houſe. You are not to take notice of words till the Gentleman has done, becauſe you know not what he will ſay to ſoften and meliorate what he has ſaid. This, I underſtand, is a pretty kind of diverſion. I affirm that *Hungerford* had not made an end of what he had to ſay.

Sir *William Coventry.*] I riſe to ſpeak to the words that fell from *Hanmer, viz.* "That he did not ſee how any Gentleman that had taken the Oath of Allegiance, can ſit here and ſuffer *Hungerford*'s words." Thereby he cenſures all thoſe who do not condemn *Hungerford* as criminal. That Gentleman, and *Hungerford*, and forty more may be ſent to the *Tower*, upon that conſtruction, at this rate.

But

But I would lay aſide both what *Hanmer* and *Hungerford* have ſaid, and proceed to the Queſtion.

Lord *Cavendiſh.*] The King never told us it was a War with *France.* The Miniſters have, and may we not arraign the Miniſters?

Mr *Swynfin.*] The Gentleman, by Order, who takes exception at the words, is to tell you the words. *Williamſon* has taken exception. But every time the words have been aſſerted ſeveral ways, and the words are not aſſerted but with very vaſt differences. And I have the whole Houſe to be my witneſſes.

Then the Clerk read the words, *viz.* "The world ſays, and I do believe, there never was intended a War."

The Speaker.] When the words are not agreed to, any Gentleman may better inform you what the words were. I take the words to be theſe, "There has been an Army raiſed, under pretence of a War againſt *France*; but we and all the world know, there was no intention of a War againſt the *French.*"

Mr *Sacheverell.*] I aver that thoſe were not the words.

Sir *Robert Sawyer.*] This is almoſt as great an affront to the Houſe as any that has been yet, for any Gentleman to ſay "thoſe were not the words," without ſhowing you what were the words. I would know what the meaning of that is.

Sir *George Hungerford.*] I am ſorry to be ſo unhappy as to be miſunderſtood. I have ſerved the King faithfully. I only ſpoke this as the cenſures of thoſe abroad, as the Chancellor has told you of "Coffee-houſe diſcourſe." I beg the pardon of the Houſe for what I ſaid. I intended no reflection on the King, nor on any particular perſon.

Sir *Chriſtopher Muſgrave.*] Exceptions were taken becauſe the words reflected on the Government. But if the Houſe be ſatisfied, I am, and would go on to other buſineſs; and if you are not ſatisfied, you may, according to Order, proceed to cenſure the Gentleman.

Sir *Robert Howard.*] I would adjourn the Debate of this

this matter, for by it you may ſave the King 5000 *l.* the Army ſtanding him in ſo much a day.

The Queſtion was thus propoſed, viz. "That the Proceedings of this Houſe were not the occaſion of the Peace mentioned by the Lord Chancellor in his Speech."

Sir *William Coventry.*] What will the cenſure be abroad, when the Queſtion is to juſtify the Houſe, that after ſo many hours Debate, we ſhould not come to a Queſtion! For our honour's ſake let us come to a Queſtion.

Sir *Edward Dering.*] I am againſt adjourning the Debate. Either it is uſeful and neceſſary, or not. Therefore put the previous Queſtion, and they that are againſt it, are againſt that.

The Houſe divided upon the addition to the Queſtion, *viz.* "mentioned by the Lord Chancellor in his Speech." Which paſſed in the negative [181 to 146.]

Mr *Powle.*] We are like to bear the charge of the War, and the reproach of the Peace. I would therefore have ſomething on our books to juſtify us.

Sir *Thomas Littleton.*] 'Tis not new that the thing ſhould not be bare-faced on your books; we have been ſo all along for a War.

The Queſtion paſſed, *viz.* "That the proceedings of this Houſe have not occaſioned a Peace*."

Occaſionally, upon going into a Grand Committee, this was read out of the Journal. "*March* 18, 1667. Mr *Prynne* reports from the Committee about Orders, &c. "If any motion be made for a public charge upon the nation, the Houſe doth not preſently enter into Debate of the conſideration of it, but is adjourned. And then it is referred to a Committee, for their opinion, before any reſolution be thereupon."

June 3, 4†, and 5, were ſpent upon the Tax Bill for diſbanding the Army‡.

* According to the Journal, the previous Queſtion paſſed in the negative, 181 to 157.

† This day a Supply of 200,000l. was voted for the ſpeedy paying, disbanding, &c. to be raiſed by a ſix months Tax. And a Bill was ordered in accordingly.

‡ The total charge of the Army to the laſt of *June* incluſive (the off-reckonings deducted) amounted to 309,236l. 6s. 9d. of which was received upon the Poll Bill 70,800l. More ordered upon the Poll Bill 79,200l. In all 150,000l. *See the Journal.*

Thurſday,

Thurſday, June 6.

Complaint was made of a foreign ſhip come into [the] port [of *Portſmouth*] laden with *French* goods, and ſeized by virtue of the Act [for prohibiting *French* commodities; a doubt having ariſen, touching the meaning of the word "imported."]

Mr *Vaughan*] It is the mechanic practice of *Weſtminſter* Hall to elude what good laws you make. *(He reads the Clauſe of the Prohibition.)* The caſe ſtands thus: If a veſſel come into a port, it ſhall not be judged "importation," unleſs ſhe have broken bulk, and ſtay in port two, three, or four weeks; and you are put to the coſt of attendance, and yet ſhe may have all her goods ſtolen away by land. This Law is for preventing the miſchief of vanity and luxury, in ſpending *French* commodities, and for exporting your own commodities. The beſt expoſitors of Laws are the Legiſlators, who know their own intention in making Laws. And though, God forbid your opinion ſhould influence, yet it may guide them, and very much, in the firſt impreſſion of a Law. And it came from *Provence*, and ſo to *London*. If you paſs an explanatory Vote, 'tis not *in terrorem*, but *in cautelam*; and I would have ſuch a Vote.

Colonel *Birch.*] If your Law could be executed according to your intention—If there come no linnen from *France*, yet from *Germany*—I would have you refer this to a Committee to bring you a report ſpeedily what's fit to be done in it. That's all I'll trouble you with.

Mr *Sacheverell.*] Whether the caſe is the ſame in the prohibition, &c. If they come into port only, without ſtreſs of weather, or other accident, it is "importation" in Law—See how the times are altered. In K. *James* and Q. *Eliz. Juſton* and *Studd*'s caſe; in *Plowden*'s Commentaries, *Magdalen* College caſe. There ought to be no interpretation of a Law made, but to advance the public good, againſt any private caſe. I would have a declaratory Law, and in the mean time a Vote, &c. and this Law may do more good than the other.

Mr

Mr *Papillon.*] We have a trade in ſeveral countries; and ſhall a ſhip bound from one friend's country, and put into port by ſtreſs of weather, be forfeited; no bills of lading in the caſe for *England*, and no conſigns? It will be a very hard caſe to judge this ſhip forfeited.

Mr *Garroway.*] I would refer this to a Committee to examine matter of fact, and to report to you the particular caſe. And I hope you may arrive at your end that way. A ſhip, under pretence of carrying a little ſalt to *Hamburgh*, may land *French* goods eaſily, whilſt ſhe is in port.

Colonel *Titus.*] There are more *French* goods in this ſhip, than can be ſold at *Hamburgh* in forty years. And this would be an evading of your Law. But as the Law is, there is ſome difficulty on the informer's part, for his encouragement; and he will not make the fire that he warms not himſelf by *.

Mr *Williams.*] To load a Motion, is to baffle a Motion. That the goods in this ſhip are *French* goods, is plain; and that they were to be landed in *England* in boats. That is the Queſtion, whether they be forfeited, or no. Some Lawyers will ſay, they are not forfeitable, and you cannot, by a Vote, make a prohibition to proceedings in *Weſtminſter*-Hall. But it may be proper for you to make an explanation of a Law made in the ſame Parliament.

Sir *William Coventry.*] Divers Gentlemen have ſpoken, and all agree to matter of fact. I would therefore loſe no time, but refer it to a Committee.

[Which was done accordingly.]

Mr Secretary *Williamſon.*] I beg leave to put you in mind of repaying the King 200,000*l.* you promiſed him. It carries with it a ſum more, and makes that part of his Revenue, it was taken up upon, uſeleſs, which was taken up upon your deſire, and at your Motion. Pray call for the account of it before you, for your ſatisfaction.

* No reward was provided by the Act.

Sir

Sir *Thomas Meres.*] You have ordered a Bill for diſbanding the Army, and I have it ready for you; do what you will with it, I'll bring it up.

Sir *John Ernly.*] I hope you will take ſome care of this ſum the King has diſburſed, &c. for it is charged upon that part of the Revenue that he muſt eat bread by. After the Bill proffered you is read, pray take this into your conſideration.

Sir *William Coventry.*] Mr *Cheney* ſeems to challenge it as a right, that a Motion muſt have precedency of an Order of the Houſe for a Bill. A Motion is but a Motion, let it come from whom it will. But it has no right to be accepted becauſe it is the firſt Motion. Where was this money moved for laid out, by land, or by ſea? Surely, it was not in the clouds. When we ſee the accounts ſtated by the officers of the Navy and Ordnance, then you'll ſee how this money has been laid out.

Sir *Thomas Lee.*] I ſuppoſe you'll read the Bill for diſbanding the Army, for the neceſſity of the expedition. As for the other Motion, it is in effect already done. It muſt either be for the Extraordinaries of the Navy, or Preparations for the Army. It muſt be one of thoſe, or the ordinary expence; elſe, before you ſee the Extraordinaries of the Navy, you make an Order for what's already ordered, as if the thing ſhould be twice paid.

Mr Secretary *Williamſon.*] My meaning in minding you of it, was, becauſe the Houſe thought themſelves under ſome engagement. And there is nothing ordered for this day.

The Debate went off, and the Bill was read.

Mr Secretary Coventry *interrupted the Houſe while the Bill was reading, in the middle of it, and excepted againſt the Bill, as not drawn according to the Order of the Houſe, but by ſome private perſon.*

Mr Sollicitor *Winnington*] I have not met with the ſame proceedings, as in this Bill. I was one of the Committee, but I had ſo much buſineſs, I could not attend. But I prepared a Bill, and got it ready, out of reſpect to the

Committee, and the Order of the Houſe. In the paſſing the Poll Bill, and the Ship-money Bill, the King's Sollicitor, or the Attorney General, had the drawing the Bill. I had one ready: and this morning, I underſtand, another Bill is brought in. I know not the meaning of it, and I thought fit to inform you of it.

The Speaker.] You have agreed upon ſeveral heads for a Bill, &c. and referred the drawing of it to a Committee, or any three of them. If that has been done, it comes regularly before you. If not, it is irregular.

Colonel *Birch.*] I ſpoke to ſeveral of the Committee to meet, and accordingly a Committee did meet, and drew the Bill.

Mr *Powle.*] Three of the Committee did meet. I came, and I conſented to it, and did agree to the Bill.

Sir *Robert Howard.*] Some of the Committee aſked me for certain books in my office. I came to the Committee, and found a Gentleman in the Chair. Moſt of this Bill was extracted out of the other Bill. I ſent two meſſengers to find out Mr Sollicitor, and I found him out at the Committee.

Sir *Thomas Lee.*] When a Gentleman informs you that a Bill hath not been drawn by a Committee, and the thing is not ſo, and you have your reading of the Bill interrupted by it, the Houſe ought to have reparation.

The Speaker.] In all Bills, it is neceſſary to appoint time and place, to be drawn in; this Bill had no ſuch Order; it was only referred to a Committee to draw the Bill.

Sir *Robert Howard.*] If it be ſo, that a Bill cannot be drawn without Mr Sollicitor, I would be told ſo, that he may be ſtayed for by the Committee.

Colonel *Birch.*] I except againſt another thing, as if the Order of the Houſe was, that the Bill ſhould come through the Sollicitor's hands. I would never have that thought of here, but go on.

Sir *John Ernly.*] I would know whether any of the three Gentlemen, that attended the Committee, will avow that they did read the Bill.

Sir

Sir *Thomas Meres.*] I drew the Bill according to the Breviate in the Speaker's hand, and by directions. All was agreed to, and the Bill was read over twice at the Committee.

Sir *Thomas Littleton.*] It ſeems, Secretary *Coventry* tells you, "that the Committee did not draw the Bill." I affirm likewiſe, for I was caſually there, that I heard all the Bill read over. *(So the Clerk proceeded in reading the Bill, and the Complaint went off.)*

The Motion for 200,000l. was reſumed, &c.

Mr *Garroway.*] If they will demand the ſum, and apply it neither to the ſhips nor the land forces, it muſt be for intelligence. I would ſee what head this ſum is under, before we conſider of it.

Mr *Powle.*] The King ſaid "He could neither ſpeak nor act without ſuch a ſum, &c." You deſired him to go on, and you would pay him. Then we were prorogued; and when we met again, we found neither "ſpeaking nor acting" at all. The King did "ſpeak" then, what I am ſorry to remember now; and as for "acting," our ſoldiers fought under the *French* banners all that ſummer. This is the "ſpeaking and acting;" and nothing done towards Alliances from *May* to *January*, and our promiſe of the money was, to the end the King ſhould have done it immediately. I believe we are not engaged to re-imburſe the money, for there is nothing done that we deſired. I believe we ſhall find many workmen and ſtores in arrear, and I am confident you are put upon the point for that. If you will, conſider firſt whether you are obliged or no. If you will conſider of Accounts offered you, you admit the thing. Therefore I would adjourn the Houſe.

Mr Secretary *Coventry.*] I can ſay, by virtue of that Act, men have lent money, and had ſecurity upon it—And that, by virtue of your promiſe, that ſecurity is not revocable. Appoint a day that the Houſe may be certified, and ſee what the Accounts are.

Mr *Sacheverell.*] I am not afraid of this Debate, at its proper time. *Saturday* I would have our Addreſs read,

and our Reaſons, and ſee how far we are obliged, and appoint that time alſo, to ſee what great ſums have gone out of the Exchequer for ſecret ſervice, by Privy Seals.

Colonel *Titus.*] If it belongs to you to pay them, you may order taking the Accounts; if not, it belongs to you to take no Accounts. And that is the Debate proper to be adjourned.

Sir *William Coventry.*] We have no other abſolution from this charge, but that the thing was not in purſuance of our intention. But for avoiding the promiſe by the Prorogation, that part I diſclaim wholly.

A Debate ariſing, Whether the Accounts for the Diſburſement of the 200,000*l.* be brought in on *Saturday*, that Debate was adjourned.

Friday, June 7.

Mr Secretary *Coventry* delivered to the Houſe the following Meſſage from his Majeſty:

" CHARLES *R.*

" His Majeſty, in his Speech to both Houſes, on the 23d of *May* laſt, told you, " That, if he were able, he would keep up his Army, and Navy at ſea, for ſome time, till a Peace were concluded, if that muſt be: But, becauſe that would depend upon your ſupplies, he left it to you to conſider, whether to provide for their ſubſiſtance, or to diſband them ſooner." His Majeſty hath often ſince had his thoughts employed upon the ſame ſubject, and is every day more and more confirmed in his firſt opinion, viz. That the ſaving a few days expence can no way countervail the prejudice that would ariſe from the parting with his Fleet and Army, if, after that, a Peace ſhould not follow. And though it ſhould, yet the hazarding ſo much, upon a bare preſumption of the iſſue of a thing in itſelf altogether uncertain, and quite out of his own power, is hardly to be countenanced by any precedent. His Majeſty again therefore recommendeth to the conſideration of this Houſe his advice of the 23d of *May* laſt, That they would ſee the effects of the Ceſſation in *Flanders*, before his Majeſty be neceſſitated to diſarm himſelf; but more eſpecially, that you would conſider of that part of the Army which is in *Flanders*; which if he ſhould recall before the Peace, it would be liable to a very bad conſtruction, viz. That having taken ſeveral of the King of *Spain*'s towns into his protection, he had, without any reaſonable warning in order to their regarriſoning, withdrawn his forces, and abandoned thoſe towns to the diſcretion of the enemy."

Mr

Mr Secretary *Coventry*.] Letters from ſeveral hands inform the King of the danger of *Oſtend*, by the approach of the *French*, and whether is it for your honour, that the King ſhould withdraw thoſe forces out of *Flanders*, now the *French* Army runs up to the very gates of *Bruſſels?*

Sir *William Coventry*.] I riſe not to ſay any thing to the Meſſage. As I like not very well extemporary prayers, ſo I would not make extemporary anſwers to my Prince. I believe this Truce may end in a Peace, and poſſibly a few days may ſhow you ſome extraordinary thing to enlighten you. And if a War ſhould be after the Truce, then we may ſend the forces where we intended them. 'Tis ſaid by *Birkenhead*, " that 50,000*l.* is no great ſum for the continuance of the Army for ſome time longer," but becauſe of the fears and jealouſies of the Long Parliament of 1641 (which was the Long Parliament then) I do not remember, that after the Northern Army was diſbanded, fears and jealouſies were removed. There were jealouſies then, that there was a deſign to bring up the Army to purge the Houſe. If there be fears and jealouſies, then take away the cauſe, *viz.* this Army and Popery. And when theſe are removed, thoſe fears will vaniſh; and theſe are great occaſions of fears and jealouſies. And till the cauſe be removed, reprehending fears and jealouſies will not take them away. You ſhould take ſome reſolution about the King's Speech before you can go through the Bill of diſbanding. If you continue the Army, the Bill muſt be enlarged. Poſſeſs yourſelves only of the Bill. One day, I ſee, teaches and enlightens another; and poſſibly the King may, in a few days, give you farther light for diſbanding or keeping the Army up. He may give you more light, as he receives it.

Sir John Hanmer *ſpoke of theſe jealouſies, like to thoſe of* 1641, *with ſome exceptions at* Coventry.

Sir *William Coventry*.] I hope I ſaid nothing that gave offence. What I meant was, that when the Army was removed, jealouſies, &c. would be removed, and Popery too. It was far from my thoughts that any man could make ſuch conſtruction of what I ſaid, as to bring it to 1641.

The ground of our fears and jealouſies plainly is, that the pretence of a truce, from time to time, would be ſtill an occaſion of keeping up the Army.

The King's Meſſage was ordered to be conſidered on *Tueſday*.

[The Bill for paying and diſbanding the Forces, &c. was read a ſecond time.]

Saturday, June 8.

Sir *Solomon Swale* ſent the Speaker a letter to excuſe his attendance on the Houſe, by reaſon of a quartan ague, that had reduced him to great weakneſs. He deſired to be heard by his Counſel, at the Bar, by reaſon of his unwarrantable proſecution to conviction of Popery, at the Seſſions at the *Old Bailey*.

Mr *Williams*.] Diſmembering a Member is a very tender point. 'Tis ſuggeſted that *Swale* is a convicted Recuſant. The Queſtion before you is, not whether he be convicted, or not convicted, of Recuſancy, but whether he be truly convicted or not in the Exchequer, or King's Bench; and till it be voided there, it is a legal conviction. That a Popiſh Recuſant cannot be a Member, you have determined in Sir *Thomas Strickland*'s caſe*.

Sir *William Coventry*.] 'Tis ſaid to be done by matter of Record, which is always credited here. If a man come with the Record of his return, he ſits here by that Record, and you can hear no Counſel in *Swale*'s caſe. No man ſits here upon a falſe return, till firſt the Record be mended —And becauſe you have not the tryal of conviction of a Member before you, the Law has made this of Recuſancy eaſy. For he may be taken off, by his conformity. The Teſt of the new Act is not required to take off conviction, for that is only for offices. If he takes the Oaths of Allegiance and Supremacy, and conforms to the Church, &c. that is eaſily taken off. But to have Counſel, in a thing that is not judgeable here; I would not have you meddle with it.

Sir *Thomas Clarges*.] I would have the officers of the Exchequer acquaint you how the thing ſtands, as to *Swale*'s conviction. Suppoſe a Member, after he is choſen, &c. takes not the Oaths of Allegiance and Supremacy, and

* See Vol. IV. p. 188.

he

he petitions you to ſit here, without taking them. I would have the officers of the Exchequer bring you the Record of the proceſs.

The Clerk of the Crown brought in the Record of the Conviction at the *Old Bailey*, but this gave no ſatisfaction, and ſo the Exchequer officers were called for, but were not at the door.

The Speaker.] The method here of *Swale* may be the caſe of any Member. There needs nothing more to convict a Popiſh Recuſant than not being at his Pariſh Church, &c. for the ſpace of a month, without reaſonable excuſe, when perhaps he goes to another Church elſewhere. Therefore pray be very tender in this.

Sir *John Trevor*.] The matter has been depending theſe nine months, and how eaſily might *Swale* have reconciled himſelf in that time! Pray give not countenance to a Papiſt to ſit in the Houſe.

The Officers of the Exchequer were ordered to attend on *Monday* next, with the Record of Conviction.

The Order of the day was read, to conſider of reimburſing the King the 200,000*l.* &c. charged upon the credit of the Act for additional Exciſe.

Mr Secretary *Williamſon*.] Some time might have been ſaved, if you had pleaſed to receive the Accounts of the King's diſburſements when they were offered. If you pleaſe to accept of thoſe Accounts now, they are ready, and let the thing have the juſtice, that you, in your honour, ſhall think fit.

Mr *Mallet*.] There has been little performance of the conditions the promiſe was made upon, and ſo there is no obligation upon you. After the Ceſſation, if we have a War, then it is fitter for a renovation. Therefore put the conſideration of it off, till next meeting. *(Infandum renovare dolorem.)* As for the Alliance, look upon it one way, and it is an angel; look upon it another way, and it is a worſe thing.

Colonel *Birch*.] I think it fit now to take this into conſideration. You are moved by *Mallet* to let it reſt till you meet again; but if you'll go on now, then read

the Addreſſes, and the Act of Parliament relating thereunto, and you'll ſee how far the obligation goes.

The Addreſſes were read of *March* 9, and *April* 11; and the Clauſe in the Act was read, for the credit of the 200,000*l.*

Sir *Thomas Meres.*] Theſe Leagues are to be made offenſive and defenſive, againſt the growth and power of the *French* King. Whatſoever is preparatory to this, the condition is performed. The Alliance with the States General was only pretended, but not with *Denmark*, nor the Emperor. Nor are you obliged to a condition not performed on the other part.

Mr Secretary *Coventry.*] The condition of the Treaty was, that the King of *France* ſhould go no farther in his conqueſts, and that things ſhould be preſerved as they are—"Treaty offenſive and defenſive," may be a War. You did not conclude in Alliances, but for an actual War. Theſe Alliances were "with" and "if they made a War." The Addreſs of *May* was—"Your Majeſty may reſt confident we ſhall ſtand by you, &c." By the ſame conſequence, if there be not a War, neither the Army nor Navy ſhall be paid. They were raiſed to put the kingdom into a condition of ſafety. What part of the 200,000*l.* is not laid out to that purpoſe? If it be not ſo laid out, you are not obliged to pay it.

Sir *George Hungerford.*] The King approves not of our Addreſſes for thoſe Alliances, and it is plain he approves not of our Money.

Sir *Thomas Lee.*] I deſire to obſerve the time in this matter; that muſt lead all your Debate. It was then you made an excuſe for 600,000*l.* when the King demanded it, but you gave him credit upon the Act. I would have it conſidered, whether this is ſuch an obligatory promiſe, that you are bound by it. Now whether the League was half made, or three quarters made, all was one. You went into the country, and were prorogued, and you were to return a full Houſe, in expectation that the Leagues were made. In nine months following nothing of the condition was performed, and you have declared "thoſe Leagues were not according to your Addreſſes."

dreſſes." A dangerous conſequence may ariſe out of theſe proceedings, the moſt deſtructive! and *England* may be no longer *England*. If you now make Peace, it may be more chargeable to be defended, than an actual War. And the preparations will be ſo great, if a real War, that the nation will not be able to bear it. With the Poll Bill, and the other Bill, a million has been given already, and now this 200,000*l*. is no part of all this preparation; and all this while here's no ſort of War, nor any thing like it. You have not time to look into the Revenue, to ſee what has been ſpared out of it towards this charge. This looks as if it were to fright you out of your defence, when you ſhall have a War indeed. And now if you vote yourſelves under an obligation to pay money for what was none of your advice, you throw all back upon yourſelves.

Mr Secretary *Williamſon*.] Thoſe who made the Alliances, wiſh them much better; but ſeeing they are obtained with great difficulty, to quiet the minds of the people, in ſtopping the growth of *France*, though they are not ſo good as good men could wiſh, yet a promiſe ſhall not be vacated, if the party has performed his part, as much as he is able. This ſum of money, now in queſtion, was given for extraordinary preparations, to enable the King to go and contract ſuch Alliances; and though thoſe Alliances are "not according to your Addreſſes," (becauſe the Houſe ſays "they are not," I ſay ſo too) yet this money was expended in order to the Alliances you deſired, for preparations for ſuch Alliances; and they not coming up to your ſenſe, you made a difficulty of it.

Mr *Vaughan*.] I deny *Williamſon*'s argument, &c. Now the Queſtion is, Whether their own act has not taken off the obligation, by the Prorogation. Will you be bound by nothing but money, and have all your Bills cut off? If you'll be bound by a Vote, the next Parliament is as much bound by a Vote of yours, as this after a Prorogation. 'Tis moſt certain that no Alliances have been made according to your Addreſſes. And for what can this money be demanded? Look upon your firſt Act,

and

and the Addreſs. The reſt refer to that. I had rather hear them ſay candidly, "we want ſo much money," than come upon ſuch a pretence as the thing will not bear.

Sir *John Knight.*] So many ſums are aſked for, day after day, that the nation cannot bear it. I would ſee all our miſeries at once, and let us ſee them. The 200,000*l.* is for nothing but to make a Peace, &c.

Mr *Pepys.*] When *Knight* lays one hand on his heart, he ſhould lay the other on his face, for ſhame. For the preparations for ſhips, &c. *Knight* knows that to be untrue. *Knight* has had, four or five days, account of every farthing, the quantity of Navy goods, the price, and date, to the value of a lanthorn. He has been offered original contracts expreſsly for preparations of this War. Another thing that he tells you is no leſs diſtant from the truth than that, and no leſs diſtant from his knowledge to be true. Take all together, and it comes not up to 400,000*l.* and he has told you double. I'll rather ſuffer, than not ſet you right. If I muſt ſuffer, I'll do it all together. Another Gentleman *(Lee)* ſays, "I do greatly apprehend the conſequences of this 200,000*l.* that poſterity ſhould ſee, and be affrighted, that the very entrance into the War, ſhould be a greater charge than the War itſelf." Had the War gone on, the Navy part would have come to 1,400,000*l.* If I muſt give offence, I'll do it all together. In 1652 and 1653, thoſe never to be forgotten times, in thoſe huſbandry times, no Army was raiſed, &c. nor fears of the King of *France*, yet the Navy came to 1,700,000*l.* in one year's War with the *Dutch*. And the greateſt year in our *Dutch* War came but to 1,400,000*l.* Is this ſo dreadful, when all your charge upon this occaſion has come but to 400,000*l.*? Would you have thought yourſelves ſafe in Alliances, without a Fleet? This has been expended for the ſafety of the kingdom; and ſhould the King of *France* have found you not navally provided, would you have been ſafe by your Alliances? This cannot be thought an unneceſſary preparation for a thing ſo eſſential. I move, therefore, that

that you would interpret your Addreſs, ſo as to admit this a good debt.

Mr *Garroway.*] That ſo much money ſhould go out of the Cuſtom-houſe (as you have been told) and the Navy be in ſuch a pickle, is a ſtrange thing. *Pepys* defies you; he ſays, "If he muſt give offence, he will do it all together." He bid *Knight* "lay his hand upon his heart, and upon his face, &c." I move to have the words written down.

They were written down. He explained.

Mr *Pepys.*] I cannot recollect that ever I behaved myſelf to this Houſe but with all the reverence and reſpect that becomes me. I do moſt heartily beg the pardon of the Houſe, if I have given offence. The tenderneſs I have for truth, has conſtrained me to ſay what I did. And no man that reflects on my words can think I meant the body of the Houſe. And ſo, I pray, what I ſaid may be taken. If any Gentleman makes other conſtructions, I heartily aſk his pardon. And I appeal to Mr *Powle* whether this was not ſaid at the Committee; what was urged was to the reproach of the Navy-office, and I gave the Office its reputation. Pray, Sir, forgive me, if I was tranſported to hear the ſame thing ſaid over again here.

The Speaker.] I have the honour to ſerve the King in the Navy-office, and I deſerve to be hanged, if I ſhould put that upon the Navy which is charged on the ſtores, and all thoſe with me.

Mr *Powle.*] What *Pepys* preſented to the Committee, by the Officers of the Navy, were excluſive to the old ſhips.

Mr *Garroway.*] Are not the Cuſtoms, Tonnage, and Poundage, for the maintenance of the Navy? I think that at the Committee, it is an unequal thing to have the Navy books put upon them. It is impoſſible for the Committee to make any thing of them. And now having loſt all our Bills and Addreſſes, are we obliged in Prorogation only for money? Pray let the million, and this 200,000 *l.* go together. Shall we never be unſhackled? The Navy has not been repaired in two or three years, but talk but of a War with *France*, and you ſhall have money preſently.

The

The Poll-Bill amounted to 400,000*l.* No man modeſtly can ſay leſs. The diſbanding the Army will come to 200,000*l.* and with all this not one ſhip at ſea. The ſtanding rigging, and apparel of the ſhips are all laid up, ſafe, I ſuppoſe, unleſs they be ſent into *France*, as they were before. I am one of thoſe fools that believe at laſt we ſhall have a War, &c. If there have been faults, let this 200,000*l.* go with them, for I'll not give a penny to reimburſe it.

Then the Queſtion was thus ſtated: "Whether there remains any obligation upon the Houſe to repay his Majeſty the 200,000*l.* charged upon the credit of the Act of additional Exciſe."

Sir *Thomas Meres.*] The promiſe was at our next meeting, &c. We met then, and expected that Alliances ſhould have been made, and nothing was done. Muſt we eternally be obliged by this? I do affirm that 500,000*l.* *per annum*, of the Cuſtoms, ought to go towards guarding the ſea, and let that be under your conſideration. I am negative totally to this Queſtion, for I'll not loſe my money, as if I were outwitted.

Mr *Powle.*] The Queſtion is now ſtrictly, "Whether we are bound in juſtice to repay this money, &c." I will ſeparate my argument from all other conſiderations. Our deſires tended not to keep *Flanders* in the ſame ſtation it was, but to leſſen the power of the *French* King. Our promiſes were made the 29th of *March*, in caſe there ſhould happen a War with the *French* King. Here it comes to be, that Alliances muſt be made which were not nine months after, and you have cenſured them, as not made according to your Addreſſes, and ſo there is no obligation upon you. Next, there's the Bill for the additional duty upon the Exciſe, &c. and at our next meeting, &c. Does not the promiſe wholly refer to our next meeting? The money muſt have been laid out in ſuch extraordinary manner, in purſuance of our Addreſſes. Here's nobody can ſay that the 200,000*l.* was laid out before our next meeting. There has been nothing extraordinary done, that I know of, unleſs entertaining the *French* Ambaſſador at *Newmarket*. 'Tis one thing to repay, and another thing

to

to give. I would not defraud the ſubject, nor be eternally bound up by this promiſe. We deſired a War, and we have Peace. We deſired to leſſen the power of the *French* King, and we make Peace to greaten him. We deſired an Alliance with *Holland*, and we, by our way of Treaty, have put them into the *French* protection. To that argument, that the promiſe is annulled by the Prorogation, I am unwilling to take that advantage; but if ſome things ſhall be diſcharged and other things remain, after a Prorogation, 'tis a condition I am very unwilling this Houſe ſhould be brought into.

Sir *William Coventry*.] Since we are come to that condition we are told of, it becomes us ſtrictly to conſider what to do in matter of money. For either we muſt give up the nation, or unſtring our purſes. A great ſum it muſt be, and what ſhall we carry home to the people for it but this news, that the King of *France* is greater than ever he was? And in probability may have ſuch an influence on *Holland*, that we one time or other may have them our enemy? And this is our great comfort for giving 800,000*l*. Having ſaid this, I come to what is ſtrictly before you. Is there no obligation upon the Miniſters to keep the Navy in repair, unleſs we do it? Are not the Cuſtoms to do it? (They were not given for a Revenue, &c. though they are called "a Revenue.") But I hoped they might have gone towards reparation of the Navy. I cannot allow the putting the ſhips in repair to be part of this charge given us in. They ought to have been in repair. You were told, "That leſs than 600,000*l*. could not make the King ſpeak nor act." Then ſure thoſe things were not done. We ſaid, when that ſum was demanded, "That the Houſe was empty, &c." And, provided that nothing might ſtick on our hands, we deſired to meet after *Eaſter*, in order to extraordinary preparations, and then we were ready to do our parts; but ſtill let not advantage be taken upon tenderer words we uſed to the King than to other men. We ſpeak not to the King in the ſtrict ſtyle of condition, and which amounts to ſo much, "That for your Majeſty's extraordinary occaſions

we

we give you the Exciſe, and what can it be more than for the Navy? If your Majeſty lay out 200,000*l.* ſhow us Alliances according to our deſires, and we will ſupport you in them, and reimburſe that." The King told us, "He could not ſpeak nor act, &c." but ſurely after all this, we expected that ſomething would have been done of ſuch public offence to the King of *France*, as would have produced a War. After *Eaſter*, when we were ready to do our parts, we were ſent home with a perfect diſallowance of what we did. The moſt remarkable thing in the interim was a Proclamation, that we ſhould not meet till *December*. From all this I reckoned that the King had provided for our ſecurity, having told us, "he could not ſpeak nor act under 600,000*l.*" But if they put us off till *April*, that muſt ſupply the money, I cannot think one tittle intended till *September*, but all thoughts of Peace. Therefore, I do not think the obligation is at all upon you. Plainly you did expect ſpeedily entering into Alliances, and to be perfected and imparted to you at your next meeting; ſtill expecting that the 200,000*l.* would have been laid out. I am ſorry to give a negative to money, but as this matter doth ſtand, I think there is no obligation upon us to reimburſe the 200,000*l.* And I muſt give my negative to it.

The Queſtion being put, That there remains an obligation upon this Houſe to repay [his Majeſty] the 200,000*l.* charged on the credit of the Act for additional Exciſe, it paſſed in the affirmative, 177 to 162.

Sir *William Coventry*.] Now the Queſtion is over, I would not (according to ſeveral Motions) have any thing to do with accounts any farther. You have voted the 200,000*l.* and farther accounting will be farther wrangling. I deſire only that it may be avowed upon your Books, that the Navy is now in repair, that hereafter we be not put to thoſe reckonings again, and yet find the Navy out of order.

[*June* 10. omitted.]

Tueſday,

Tueſday, June 11.

The Houſe, according to Order, took into conſideration his Majeſty's Meſſage; (ſee p. 68.) which was read to the Houſe.

Debate.

Mr Secretary *Coventry.*] The Speaker ought to have read the King's Meſſage, and not the Clerk.

Sir *William Coventry.*] I have obſerved, that the King's Meſſage, always, at the firſt reading, is read by the Speaker, but if read again, by the Clerk. The Speaker reads it the firſt time, and we are all uncovered; the Clerk the ſecond time, and we are all covered.

Mr Secretary *Williamſon.*] The Queſtion is, Whether you will go into a Committee with inſtructions relating to the Bill, or, Whether you will go upon the Meſſage, in the Houſe. The parting with your Forces before the Peace be beyond doubt or certainty of the poſſibility of a War, may be of ill conſequence. I will beg leave to acquaint you with one thing that happened. On *Sunday* they had a new Memorial of the danger of the Confederates diſbanding. Now whether you will proceed in the Houſe, or by way of inſtruction to the Committee, along with the Bill, is to be conſidered.

Mr *Powle.*] This is fitter for meditation than diſcourſe. By that little experience that I have, I find there is an alteration of affairs here, and all *Europe* over. It is common, in all makings of Peace, that the Allies have room to come in. And I would know from the honourable perſons, how we are comprehended, whether with *France*, or the Confederates, or neither ſide? And what benefit the Peace will be to *England?* The *Dutch* deſire Peace, to facilitate their Commerce. And for us to raiſe an Army, and continue it, to no purpoſe, I think not adviſable.

Mr Secretary *Coventry.*] In this interim, the Confederates have time to come in and accept of the Peace. It may prove a dead child; it may be abortive;—'tis a thing that depends upon other men;—a little time will tell you;—but till then, I am not able to ſay any thing.

Mr

Mr *Vaughan.*] *Coventry* miſtook *Powle*'s queſtion, which was, "In what part of the Alliance we ſtand comprehended, whether on the *French* ſide, or on the Confederates?"

Mr Secretary *Coventry.*] That muſt be the reſult from the Ambaſſador's negociation at *Nimeguen.*

Mr *Powle.*] I ſee not, either from the ſtate of affairs at home or abroad, that a ſtanding Army is a convenient thing for us, eſpecially for home. We are told, "we are in the ſtate of mediators, indifferent between both parties; and neither to aſſiſt the King." We hear of great jealouſies the *Dutch* government has of us; and if ſo, they care not to ſee our Army on the other ſide of the water; and the *Spaniards* are jealous of us, as to *France*; and if we are in no condition to make War with the *French*, and that we cannot, &c. I would willingly make Peace with them. If they be not your friends, prevent them from being your enemies. Theſe new Forces may engage us in new broils, and we ſhall have no body to aſſiſt us. As for giving advice in this caſe, I know not what to ſay, we having been ſo ſharply reprimanded for it already. For my ſhare of it, as to the protection of the King of *Spain*, remembering that when we adviſed the King about a *French* War, we were checked for it, therefore I move to anſwer the King's Meſſage, "that we leave it to him." And if there may be any Clauſe in the Bill, to continue the Forces in *Flanders*, that are there, I am not againſt it.

Mr Secretary *Williamſon.*] It is not intended to keep thoſe Forces up—But this is what we have been wiſhing and adviſing this year; and it is offered, for their ſakes, to keep thoſe men on foot only in *Flanders*, till a Peace be ſettled. And their intereſt for ſo much is ours. It is aſked, "What part we ſhall have in this Peace?" The King only knows, when the Peace is made, what intereſt not only is for his Allies, but for himſelf too. It will be an affront to the King, who has ſtood Mediator in this Peace, not to name him in it, if he pleaſes to be named.

Sir

Sir *William Coventry.*] I riſe now principally to ſpeak to the condition we are in, &c. I hope we are now doing ſomething for *England.* We have done ſomething for *France*, I am ſure, and for the *Spaniard.* And if the King leave them to the *Spaniards* and *Germans*, I am ſure it is no diſhonourable thing. But why we ſhould be at the charge, and the *Spaniard* throw up the game, I underſtand not. The *Dutch* deſire the King to keep up his forces, and they thereby ſpare their own. But ſhall our ſecurity be the better for this? But I cannot believe that our Miniſters have, all this while, been aſleep, but have ſecured our ſafety with the King of *France.* I am not ſo far of opinion with *Powle*, as to diſclaim this of the Peace, and the War; but it has not been anſwered, "To what effect thoſe Forces are to be kept up in *Flanders*, for the good of *England?*" When the *French* King ſent propoſitions of Peace to *Nimeguen*, in the front of it the King of *England* undertakes that *Sweden* ſhall be ſatisfied. If that be ſo, we may be engaged in a War with the *Swede*, &c. As to the matter of a Fleet, &c. the King of *France* has no Fleet, in theſe ſeas, to contend with the fourth part of what you have. I ſuppoſe there is an uſe of ſome ſhips for toſſing your men into *Flanders*; and a few may do that. Unleſs the Confederates give us good ſecurity to be ſupported, why ſhould we offend the *French* King, unleſs we offend him to ſome purpoſe? We may be embarked in miſchief and expence, by keeping up their Forces. I would have that matter enlightened to us, before we proceed any farther.

Mr *Garroway.*] If *Holland* and *Spain* have accepted of Peace, then we are out of doors. They have taken care of themſelves, and where is the diſhonour, and where is the inconvenience, of recalling thoſe Forces out of *Flanders?* If the Peace be a good Peace, why do not we come into it? If bad, why do we not proteſt againſt it? It is a ſtrange intricate thing, that ſuch and ſuch a thing may happen, therefore we muſt keep up an Army. If you recall them out of *Flanders*, they and theſe here may be diſbanded. The Ceſſation of Arms may be for three Years. I would

know whether we are under an obligation to keep the Army up for three years. Such things have happened, and may again. All have accepted the Ceſſation, except ſome Northern Princes; and as for the Emperor, ſurely the Houſe of *Auſtria* will not totally leave him out. I ſee nothing new before us, therefore, according to the firſt advice, you may very well go on with the Bill for diſbanding the Army.

Sir *Charles Wheeler.*] 'Tis but a few days that are deſired to ſee what will become of the Peace, "till the 27th of *July.*"

Colonel *Birch.*] Will any man tell me, that's an argument "till the 27th of *July?*" Keep up the Army for fear of the King of *France*, and keep it up for ever. To my capacity, we are ſtill in the ſame darkneſs as when we firſt raiſed this Army. If we had more clearneſs and plainneſs, the thing would ſucceed much better. 'Tis preſſed to know on which ſide we fall, and where's our benefit, by the Peace? To which I hear not one word of anſwer. What do we get? What's our advantage? The *cui bono?* I doubt not, the honourable perſons, if they pleaſe, could tell you. Shall we hire merchant ſhips and fire-ſhips for nothing? The War was intended againſt *France*, but, inſtead of that, this is to make War againſt ourſelves, by the great charge. It cannot be thought that this is undertaken for *Sweden*, &c. Every man knows, theſe great ſhips muſt do ſomething before the 10th of *Auguſt*, for it is not ſafe to keep them longer out *. If it be for our fears of *France*, &c. that will never be at an end, and thoſe fears will be hotter and hotter upon us, and the King of *France* cannot diſband his Army. He muſt keep his people in order. Either we have aſſurance with the Confederates, or with *France*. Having no more light, I know nothing you can farther do, than to proceed upon the Bill for diſbanding; and to fill it up hereafter, as the King ſhall better inform you.

* It may not be amiſs to obſerve here, that Navigation is now ſo much improved, that the largeſt ſhips (larger than any that were built in thoſe days) are able to keep the ſea all the winter.

Lord

Lord *Cavendiſh.*] Could the King of *France* ever have had a more glorious Peace than this? This Army we have raiſed has augmented his glory. 'Tis too much to keep up theſe Miniſters, who have ſo much abuſed the nation, and the Army both. Therefore I would diſband the Army.

Sir *Thomas Lee.*] By the "27th of *July*" the Ceſſation will be over. What can theſe new forces do, to be ſent over? Time of action will be paſt. Therefore I ſee no uſe of them at all, and I would go into a Grand Committee, upon the diſbanding Bill.

Sir *Thomas Meres.*] Our advice was not followed, but that of the Privy Council is. And can any man ſay, that *England* is in a good condition? Our advice is to be taken, and is much better than theirs. Pray leave the Chair.

Mr *Bennet.*] I am more afraid of *French* Miniſters than a ſtanding Army. *He then told a ſtory, reflecting upon Lord Treaſurer* Danby. When he was in *France* laſt, being to fight with a *French* Marqueſs, he deſired an *Engliſh* Gentleman to be his ſecond, who came in great haſte to do him that ſervice from *Rouen.* When the Gentleman came, &c. he told him, "He had killed the Marqueſs in a rencounter the day before." But ſoon after, the Gentleman going to Court ſaw the Marqueſs there, &c. *He made his compariſon of raiſing the Army, to* Danby's *killing the Marqueſs. The ſtory occaſioned much mirth in the Houſe, and afterwards ſome libels.*

Mr *Garroway.*] Plainly I would have the Queſtion, "Whether you will give any farther inſtructions to the Committee, for altering the time of diſbanding the Army before the 27th of *July.*"

Sir *Thomas Littleton.*] I am not altogether for diſclaiming this power of advice, &c. though *Powle* intended it not ſo far. I am of opinion ſtill for a War with *France*, if a Treaty with the Confederates, and the Emperor, may be obtained. But now it is remarkable that the *Spaniards* have accepted and ſigned the Peace. But *Germany* has not, whom alone we would aſſiſt. This Addreſs of ours has been waved, and no encouragement

has been given us. But I was never for a War, before we had Alliances made. And if no Alliances are made, we have no encouragement to go into War. The Parliament and nation were very zealous for War, and not for enlargement of dominion, but for the true intereſt of the nation. But the nation having been thus uſed, though there may be forwardneſs elſewhere, there may be backwardneſs with us here. We have given a million of money for this War with *France*. And what comes of it? A million for our miſery!

Sir *Thomas Clarges*.] There are ſome in the world, and, perhaps, here, that think a War may be. But for the forces abroad the charge is not much. 170,000*l*. will diſband and pay them off, a ſum not worth raiſing by a tax—for the King to keep the Peace, and not withdraw his forces before others do. If they diſband "at the end of the Ceſſation," and the *Engliſh* Army "forthwith" diſband, I ſhall agree to that.

Sir *John Hotham*.] I differ from *Littleton*; for I think thoſe forces went into *Flanders* in time of Peace, and not of War. If Gentlemen had foreſeen Peace, no man would have been enticed to have raiſed them. But theſe forces in *Flanders* may be a neſt-egg, &c. and ſince we have no War, and they have been raiſed by tricks and deceits upon you here, I would not have them kept up by tricks and conceits that we underſtand not.

Mr *Vaughan*.] The Crown of *England* is eſtabliſhed by Laws; and had it not been ſo, King *John*'s reſignation to the Pope had been good. If any man is ſo hardy as to adviſe the King to govern by a ſtanding Army, he would ſubvert Law; and it is againſt the government of the nation. The King has his *Poſſe Comitatus*, and the Militia, to oppoſe invaſion and rebellion; and he may raiſe arms for defence of an Alliance. Theſe are all the ends to anſwer juſt Government, and I believe the King will do no otherwiſe. But the keeping this Army up, is certainly *in terrorem populi*; and the Laws abhor all arms but legal arms. Theſe forces are upon free quarter, and if you let them ſtand againſt Law, you will have little

uſe

uſe of Law—when their ſtrength is above Law. The longer you keep them here, the longer you muſt pay for them, and ſo you give up the liberties of the people you repreſent. You cannot keep them one hour longer, without giving up thoſe you repreſent.

Mr *Swynfin*] The account we can give of all the money that has been raiſed is, that it has been totally loſt, for the end we gave it. If a man can give no other account to him that truſts him with his money, but " that he was deceived, and outwitted," will it not make a man careful in the reſt of his reckonings ? Poſſibly, at a Committee, ſomething may ariſe out of it, to bring in ſome new Motion; but I would ſit from day to day, till we have finiſhed the Bill.

Mr *Sacheverell.*] This is a ſtrange Debate, ſuch as I never heard before, and, no farther reaſon aſſigned, we muſt renounce what we have paſſed upon a ſolemn Debate. Let Gentlemen remember what was ſpoken the other day, when " the laſt of *June*" was propoſed for diſbanding, &c. It was ſaid, " the forces abroad could not be paid under a month's time." And if that averment be true, we are under an impoſſibility of doing it. It looks as if an eſſay is made upon us, in time of Peace, how we ſhall admit a ſtanding Army by conſent. The ſame argument may be uſed, one, two, or three months hence. If it be for the honour of the King, &c. that is as good a reaſon as for the Army in *Scotland*. No man can think theſe forces are kept up for the ſafety of *Flanders*. At a month's end you may be told, that the Ceſſation will be for three months more, and as good a reaſon for the precedent then, as now. Is it that we ſhould increaſe jealouſies in *Holland*, and they leap into the King of *France*'s arms ? Therefore I can never give conſent to one day's enlargement of the time of diſbanding the Army.

Mr *Powle.*] I move for an accommodation, as to thoſe forces that are beyond the ſea. That the Queſtion may be, " Whether the time ſhall be enlarged for diſbanding the forces raiſed ſince the 29th of *September* laſt, not exceeding the 27th of *July?*"

Sir *Thomas Littleton.*] If you continue them till the "27th of *July*," it is in effect till our next meeting in winter. They muſt run out yet more money, and may not be diſbanded then neither.

Sir *Thomas Clarges.*] We are naturally fortified by ſea, and we have our Militia, and no need of an Army, &c.

Sir *Francis Drake.*] I'll only ſay, that a ſtanding Army and a Parliament are inconſiſtent, and let Gentlemen give their Votes how they pleaſe.

The firſt Queſtion being put, "That the time be enlarged for diſbanding the Forces [that have been] raiſed ſince the 29th of *September* laſt, not exceeding the 27th of *July*," it paſſed in the negative, 167 to 164.

The ſecond Queſtion, "That the time ſhall be enlarged for diſbanding the Forces now beyond the ſea (only,) not exceeding the 27th of *July*," paſſed in the affirmative, 172 to 166.

This was as Inſtructions to the Committee.

Wedneſday, June 12.

A Bill for hindering perſons to ſit in either Houſe [of Parliament] without taking the Oaths of Allegiance and Supremacy, and the Teſt againſt Tranſubſtantiation, [was read the ſecond time.]

Debate.

Sir *John Trevor.*] I would no more ſpeak againſt this Bill, than for Idolatry. But it is a vain thing to ſend this Bill up to the Lords. It has been three times ſent up already, and you have had no diſpatch of it, there are ſo many Lords Papiſts in that Houſe. There runs an opinion without doors, that it makes a diſinheriſon to paſs this Bill. But if the Lords will not pay their duty to the King, and renounce thoſe treaſonable poſitions, they are not fit to ſit there. I wiſh this Bill may look forward, that you let not every tree be there to bear fruit, &c. The Statute of Queen *Elizabeth* is, "That the Members of the Houſe of Commons ſhall take the Oaths of Allegiance and Supremacy, foraſmuch as the Queen is already ſatisfied with the duty and loyalty of the Lords temporal, they ſhall ſit without taking the Oaths, &c." And becauſe of this Statute of the 5th of the Queen,

Queen, and there are ſo many Popiſh Lords, they will throw it out of their Houſe. Therefore I would have the Bill look forward, that no Lords ſhall ſit there, for the future, either by Deſcent, or be called by Writ, that ſhall not take the Oaths preſcribed in the Bill for the better ſuppreſſion of Popery.

Sir *Thomas Littleton.*] If this Bill will not paſs, no Bill that you can ever make againſt Popery can hold. *Trevor*'s argument is, as if a man were ready to die of an acute diſtemper, and a phyſician ſhould give him a remedy to operate ſeven years hence. I have heard that the Lords, in former Bills for educating the children of Popiſh parents in the Proteſtant religion, called it "the greateſt inhumanity in the world." Like *Turks*, that take away children of tribute from the *Chriſtians*, the ſharpeſt thing in the world! They had rather you would hang them. But this Bill breaks no bones, it is conſiſtent with the rules of the Government, and it is reaſonable that they ſhould be excluded from part of the Legiſlature, &c. It carries no cruelty in it. It is a fair and a juſt Bill, and if it paſs not the Lords Houſe, it will be the fault of the Commons, for we may make it paſs if we pleaſe.

Mr *William Harbord.*] I am ſorry to hear any arguments for jealouſies and apprehenſions that this Bill ſhould not paſs the Lords Houſe. Look upon our neighbours; ſee what they have done in *France* and *Holland*. In Queen *Elizabeth*'s time, the Proteſtants were favoured in *France*; their Judges and Parliament were mixed with them; they called it *Chambre mipartie*. But ſince that, in *France*, &c. they have made laws ſo ſevere againſt them, as to root them quite out; and ſurely it is as wiſe for us, as for that great Monarch, to be tender of our religion. *Holland* is full of ſects, but they ſuffer no religion in the Government but *Calviniſtical*. If we cannot ſupport our religion, it is a wonder we ſhould be contrary to all the world.

Colonel *Birch.*] I believe, verily, Popery to be Idolatry; but I had rather you would look forward than backward, and not let Popery grow up to a tree in the educa-

tion of their children. It has been ſuch a practice in *France*, in either party; if parents have been Catholics, their children have been taken away to be educated. The reaſon of this Bill may turn againſt us another time—At ſuch a jump, to turn ſo many Lords and Commons out of Parliament! You know what I mean by this, ſhould religion be changed. And I would give no countenance to any thing that looks like that.

Sir *Charles Wheeler*.] I deſire our Government may be preſerved as we have found it. Let thoſe that come after us ſtruggle as well as we, without theſe extreme and violent ways. Cannot a Lord that is not a Proteſtant, give a Vote whether Leather ſhall be tranſported, as well as a Commoner? Saying "it is in our power to make the Bill paſs," is an innovation as well as all the reſt. We may ſave ourſelves from the growth of Popery, in puniſhing thoſe that go off from us. The danger is, we know not what may be hereafter. I believe the Catholic Religion is Idolatry. Bread in ſubſtance, transformed and tranſmuted into the body of our Saviour, &c. is intrinſic Idolatry. As for that, ſpoken of, about "their Courts of Juſtice in *France* and *Holland*," no meaſure can be taken betwixt them and us. But I can name a Proteſtant now, a Counſellor of the Parliament of *Rouen*. He is Sir *William Scott*'s ſon. So that holds not that is alleged, &c.

Mr *Powle*.] I cannot be of *Wheeler*'s opinion, "to leave the kingdom as we found it." That is, never to mend it. Had your predeceſſors been of that opinion, we had had Popery long ſince eſtabliſhed. I think the Bill is very well calculated for this time. It meddles with nothing but keeping Papiſts out of the Government. I wiſh that the Proteſtants, all the world over, had no more ſevere treatment than to be excluded out of the Government. They are men ſo obnoxious to the penalty of the Law, that they have not freedom of votes; and I am againſt any man's ſitting here, that has not that freedom. As for the children, &c. I think that a cruelty to take away your child to have him damned, as

that

that way in *Turkey*, &c. which is the worſt ſort of the Chriſtian ſlavery. As for paſſing of this Bill, there is much of it in our power. Within twelve months we have given great ſums; and if we part with our money, and have not ſome good Bills, (we had not any public Bills paſſed in that time) it is in vain to ſit here.

Sir *Thomas Littleton.*] I deſire to explain myſelf. This is called by *Wheeler* "an innovation, &c." But we know it was the ancient courſe of Parliament to have Grievances redreſſed, before Money was given. But the "innovation" is to give Money firſt, before Grievances are redreſſed.

Mr *William Harbord.*] I know a Lord Lieutenant and a Colonel that are Papiſts ſtill. *He was called to name them; but the Queſtion was put, and carried for committing the Bill.*

June 13 and 14*, were ſpent upon the Tax Bill.

Saturday, June 15.

On the Speaker's touching upon Sir Thomas Meres, *by way of reproof, for ſitting up ſo late at night that he came not timely in the morning to make his Report from the Committee of Privileges,*

Sir *Thomas Meres* ſaid,] It is not true, that I ſat up ſo late laſt night.

Several took exceptions at his Reply to the Speaker.

Sir *John Hotham.*] I think both the Speaker and *Meres* were to blame, for what they ſaid. I would have the thing reſt, and go no farther. I have reſpect for them both.

Mr Secretary *Coventry.*] I would have *Meres* explain himſelf in this, as one Gentleman would do to another.

The Speaker.] If I ſaid "that *Meres* ſat up late laſt night," I hope it is no crime to ſay ſo. What is ſaid to the Speaker, is ſaid to you all; and if you'll put it up, I will.

* The Tax Bill paſſed this day, and was entitled, "An Act for granting a Supply to his Majeſty, for enabling him to pay and diſband the Forces which have been raiſed ſince the 29th of *September* laſt."

Sir

Sir *Thomas Meres.*] It is the firſt occaſion I have given to miſspend your time, theſe eighteen years. I grant I might have ſaid it in the words, "it is not ſo." If there was heat in you, or me, I am ſorry for it. But I muſt ſay I did not ſit up late, for I was not well, and ſo went home late. When the Houſe declares the words not fit to be ſaid, I will ſay ſo too. Upon the whole matter, I deſire I may not be the occaſion of miſspending the time of the Houſe.

Sir *Jonathan Trelawney.*] *Recites the late caſe of Mr* Pepys, *when exceptions were taken at his words, &c.* (*See* p. 74.) I wonder at your coolneſs now. Then Gentlemen cried, "To the Bar, &c." And now to be ſilent, when the whole Houſe is given the lye, and no manner of excuſe made, but rather the thing juſtified.

Sir *John Ernly.*] Though *Birch* tells you, "That among friends ſuch words may paſs," yet 'tis the way to loſe friendſhip by ſuch words. I think *Meres* has aſked the pardon of the Houſe, and I would paſs it over.

Sir *Thomas Meres.*] So many of the words as are applicable to the Order of the Houſe, I am ſorry for. But for the other, of the reflection, hereafter inſtead of ſaying "'tis not *true*," I muſt ſay "'tis not *ſo*."

Sir *Thomas Littleton.*] If the words had been ſaid without a provocation, the Houſe would have been warm upon it; but you, Mr Speaker, gave the occaſion. And I deſire there may be forbearing on all hands for the future. If we have liberty to debate fairly without provocation, you, Mr Speaker, will have no reflection upon you.

Mr Secretary *Williamſon.*] As to the meaſure of the words "true, or falſe," in common converſation the words are not allowed to one another. I ſhould much wonder if *Meres* ſhould make a difficulty of aſking your pardon, and that of the Houſe, for what he ſaid in heat. And I think it reaſonable he ſhould do it.

Mr *Sacheverell.*] I was not here, when the words paſt betwixt the Speaker and *Meres*. Though I would have the thing laid aſide, yet not without ſome declaration; for till then,

then, if any man ſays any thing of me that is not true, I ſhall tell him " 'tis not true."

Mr *Garroway*.] *Pepys*'s caſe was this—His words were, " Let it give offence if it would," (*See* p. 74.) upon previous conſideration. I hope the Speaker will not pretend to ſo abſolute a command over the Houſe as to ſay ſharp things, and no man be permitted to reply upon him. The cuſtom of the words " 'tis not true " is more ſharp than they are in their own nature.

Sir *Chriſtopher Muſgrave*.] I'll ſay ſomething to the words I heard; they were " I hope you'll ſpeak truth whilſt you are in the Chair."

Mr *Goring*.] I am not againſt putting theſe words up here, if we may have liberty to demand ſatisfaction without doors. *To which*

Sir *John Hotham* replied,] I like the motion well, if we were all upon the ſame foot, and if there might be no pardons ſo eaſily obtained, &c.

Sir *Thomas Meres*.] If it may be acceptable to the Houſe, I will ſpeak. (*His friends cried*, " No, No.")

Mr *Garroway*.] If you, Mr Speaker, will not own the words that *Meres* ſuppoſed you ſaid, *Meres* will quickly explain himſelf in the thing, and there's an end of it.

Sir *Thomas Meres*.] I ſay it over again, I am ſorry for your expence of time. I own the thing was ſudden, and without any ſort of ill-nature. I own all that, and that we have been long acquainted and familiar. And I apply my being ſorry, as you apprehended it.

Sir *William Coventry*.] I am unwilling to ſpeak, till I have heard the Speaker's and *Meres*'s words perfect. The leſs we repeat the words of exceptions on both ſides, the better. *Meres* ſaying " his words were miſtaken" goes a great way towards ſatisfaction. Some Gentlemen ſeem to think that *Meres* ſaying " he was ſorry, &c." was not applied the right way; but it ſeemed to me then that he applied the word " ſorry " right. I would have it paſſed over. It looks like an ill omen abroad, that here has been more claſhing at words this Seſſion, than in ſeven, eight, or ten Seſſions before. But I hope the Speaker has had

had his full ſatisfaction, and I would proceed no farther in it.

Sir *Thomas Meres.*] Moſt certainly *Coventry* has repeated my ſenſe, and I own what I ſaid to be his.

And ſo the thing went off.

Then Sir *Thomas Meres* made his Report of a Breach of Privilege, complained of by Sir *William Terringham*, a Conſtable diſtraining one of his Cart Horſes, there being more than five in the Team, contrary to the Act, &c. And the Queſtion being put, it was *Reſolved*, That it was no Breach of Privilege.

A Motion was made, That the Houſe ſhould not accept of any new Motion for Money after *Tueſday* next.

Sir *William Coventry.*] Then the King's Speech may be conſidered, that our fears of being put upon giving more Money may not be inflamed.

The Queſtion propoſed was, That, after *Tueſday* next, there ſhall be no new Motion for a Supply, but what is contained in the King's Speech.

Sir *William Coventry.*] Our weak brethren are full of apprehenſions and jealouſies, and I would carry the ſecurity of the Vote along with us.

Reſolved, [On a diviſion, 163 to 154,] That, after *Tueſday* next, no new Motion be made for a new Supply to [be given to] his Majeſty before the Receſs.

Reſolved, That on *Tueſday* next, the Houſe will take into conſideration that part of his Majeſty's Speech which relates to a farther Supply.

Reſolved, That no new private Buſineſs be received.

Ordered, That the Report concerning the Navy, &c. be received on *Monday*.

Monday, June 17.

Mr *Powle* reports the Charge of the Navy, Ordnance, and Fortifications.

Debate.

Mr *Pepys.*] I riſe to let the Houſe know, that I am ready to give them ſatisfaction as to any further enquiry. I'll go no farther now, but wait the ſteps of the Houſe, in any thing they ſhall aſk me.

Colonel

Colonel *Birch.*] If I durſt ſpeak *Latin*, I would much rather ſay, this Houſe does give this money *ex dono*, than *ex debito*. I would have it a memorial in your books, how things of the Navy are now given in, viz. 60,000*l.* in value, in ſtores for the Navy, beſides what has been uſed upon reparation of ſhips.

Sir *William Coventry.*] This is a ſmall ſum, not worth ſpending your time about, that *Pepys* offers, &c. Now the Fleet is in good repair, and fitted for ſervice, there is over and above 60,000*l.* I would make this uſe of it, not to put the ſhips back again from this condition, but let it be entered upon your books, &c. In one Seſſion it was ſaid, " That the Navy was a lame arm to beg with." But " that lame arm" is now cured, and I would have all the people know it, that henceforward the Navy, being in this condition, may be kept on by the officers. I fear the hopes of your repairing it have brought this negligence of the Navy to this paſs. Let it be this day entered in your books, " That the Navy is in this condition and order fitted, with 60,000*l.* in ſtores."

Mr *Pepys.*] I would not be thought to ſay a new thing, a freſh ſuggeſtion, to miſlead you. I end with what *Coventry* moved, to let this be made matter of record. Another little word I muſt add: There is 22,000*l.* " in contract" for ſtores, *which was comprehended in the ſum demanded in the Report.*

Mr *Garroway.*] That little word of *Pepys*'s, neither bought nor ſold, but " contracted" for ſtores. Let this be aſſerted, and clear, and I'll give my conſent to the reſt, " That there are ſtores for ninety ſhips."

Mr *Powle.*] In this we do but pay the deficiency of the Navy, ſupplied by former Grants.

The Sum of the Report was, That upon the diſburſement of the 200,000*l.* borrowed upon the Exciſe, the Committee found that there had been borrowed, and applied to the extraordinary charge of the Navy and Ordnance, 150,078*l.* 4*s.* 2*d.* But the Officers of the Navy and Ordnance affirming the accounts they had ſhown to the Committee, to the Houſe, it ſeemed to ſome, that there was 160,000*l.* expended upon the Navy alone, though others

others did not ſee it. So that the Houſe divided upon the Queſtion, and it was carried by eight voices, [139 to 131,] That the former were in the right. After which, the Officers of the Ordnance made it out, that there was expended by them 40,000*l.* [which was borrowed upon the credit of the additional Exciſe.] Upon which the Houſe divided, and the account was allowed by ſeven voices, [149 to 142.]

Tueſday, June 18.

His Majeſty, in the Lords Houſe, ſpoke to this effect:

"That the ſeaſon requiring a receſs by the middle of next month, it was convenient that he and his Parliament ſhould part fairly, and with a perfect confidence towards one another: That therefore he ſhould open his Heart freely to them: That a Peace was ready to be determined; at leaſt as to *Spain* and *Holland*; in which his part would be not only that of a Mediator, but Guarantee: That *Spain*, moreover, demanded of him to be at the charge of maintaining *Flanders*, even after the Peace: That this would oblige him to keep up his Navy; and called for ſome aſſurance to the world, that we were well united at home: That though the Houſe of Commons might perhaps think ſuch a Peace as ill a bargain as a War, they would nevertheleſs be reconciled to it, if they ſeriouſly conſidered, that otherwiſe *Flanders* would have been loſt, perhaps by that time; and that they would, he believed, give much greater ſums, rather than the ſingle town of *Oſtend* ſhould be in the *French* hands; which would enable them to keep forty of their men of war over againſt the River's mouth: That if they deſired to keep up the reputation *England* had acquired abroad, by raiſing 30,000 men in forty days, and preparing a Navy of ninety ſhips; if they deſired to maintain the Honour of the Crown at home, to look to the ſafety of the balance of affairs abroad, and purſue the War with *Algiers*; if they deſired he ſhould paſs the reſt of his life in quiet, and all the reſt of it in confidence and kindneſs with them, and all ſucceeding Parliaments, they muſt find a way not only to ſettle for his life his Revenue, as it was at *Chriſtmas* laſt, but alſo to add, upon ſome new funds, 300,000*l.* a year; upon which he would paſs an Act to appropriate 500,000*l.* to the Navy and Ordnance; and ſhould be likewiſe always ready to conſent to ſuch Laws as they ſhould propoſe for the good of the nation."

He concluded with "reminding them of the 40,000*l.* for the Princeſs of *Orange*'s Portion; the firſt payment of which was due, and had been demanded."

Debate.

Debate.

Mr *Mallet.*] Here are gracious expreſſions in his Majeſty's Speech, and if it fall out in the event as well as in the expreſſion, it will be very well. I ſee we have Peace, &c. and, in ſome meaſure, from counſels here. As for the Guarantee, &c. I know not how it is made out to us. Yet we may give good Thanks " for the gracious expreſſions in his Majeſty's Speech."

Mr Secretary *Williamſon.*] The King's Speech has matter of great weight in it. I ſuppoſe it is the Order of Parliament to ſet apart a time for the conſideration of it. And in the mean time, to give his Majeſty Thanks, " for the gracious expreſſions in his Speech."

Sir *Robert Thomas.*] I move that *Williamſon* may carry the Thanks.

Lord *Cavendiſh.*] (*In ridicule.*) I move that *Mallet*, who firſted, and *Williamſon*, who ſeconded the Motion, may carry the Thanks to the King.

Mr Secretary *Williamſon.*] I have no other exception to it, but that the thing is extraordinary. I deſire, that, in the circumſtances you do the Meſſage, you would not loſe the merits of it.

Uſually the Privy Counſellors carry the Meſſage. *Mallet* was not one.

Sir *George Hungerford.*] At the latter end of a Seſſion, now we are going into the country, this demand of the King's is the moſt extraordinary thing that ever was done.

Lord *Cavendiſh.*] All Members are alike here, and as good as a Privy Counſellor to carry a Meſſage to the King. Theſe two perſons moved for, have been firſted and ſeconded; and put it to the Queſtion.

Sir *Thomas Littleton.*] I remember an Addreſs of this Houſe to the King, " for wearing of *Engliſh* Manufactures in the Court, by his Majeſty's example, &c." ſent by Sir *Charles Harbord*, who was no Privy Counſellor. This is an anſwer to what is urged, " That none but Privy Counſellors carry Meſſages to the King."

Sir *Thomas Lee.*] As to what is ſaid of " Meſſages by Privy

Privy Counſellors only, &c." that is calling them only by their names. They go as a Committee only from the Houſe. If the cuſtom has been that Privy Counſellors propoſe Speakers, and they are choſen, it does not therefore follow that Privy Counſellors chuſe them. What you will do is one thing, and what you ought to do is another.

Sir *Edmund Jennings.*] This is a reflection upon the whole Houſe.

Sir *Thomas Meres.*] The Queſtion is, Whether you will add any to the Privy Counſellors, as you have done upon other Meſſages. I have been added twice or thrice myſelf for one. But for ſending the King Thanks, I remember none that have carried the Meſſage but Privy Counſellors.

Ordered, That the Thanks of this Houſe be returned to his Majeſty, for his gracious expreſſions in his Speech.

Mr *Garroway.*] If the Privy Counſellors, or the Houſe go in a body, I am not againſt it.

Mr *Bennet.*] When this is over, I would enquire who it is that adviſed the King to demand ſo great a ſum of us, and a Revenue that the nation is not able to bear. But I am as willing to give Thanks for the gracious expreſſions in his Majeſty's Speech as any man.

Mr *Garroway.*] Here are a great many points to be obſerved in the King's Speech. I think you have but little money to give. I remember, the preſent Lord Chancellor, when he was in this Houſe, upon the making the King's Revenue 1,200,000*l.* a year, ſaid, " We had given all we had to give." We have paid dear now for talking of a War with *France*, and our anſwer to this demand is, " That it is beyond our abilities; we have it not to give." I would firſt know where this 300,000*l.* is to be had, to make up the Revenue, &c? I would know where, or what it is? I know no ſuch thing. I cannot imagine how ſo much as to think of it. I have heard it ſaid, " That the Revenue ſhould never be ſo big as to deſtroy amity betwixt the King and us;" and, " That it is fit for us to keep ſomething always in reſerve to preſent his Majeſty with." This looks to me,

of

of a ſtrange nature, as if the Houſe of Commons were never to come here more. I know not how to comply with it.

Sir *Thomas Lee.*] I would do all things with decency. You have made an Order, "That no more Motions for Money ſhall be made this Seſſion," (ſee p. 92.) And if any Gentleman can ſhow a reaſon why you ſhould retract your Order, and conſider the King's Speech, he ſays ſomething to the purpoſe.

Sir *Thomas Littleton.*] Increaſing the King's Revenue 300,000*l. per annum* ought to be directly from a Motion ariſing from the King's Speech in the Houſe, before you go into a Grand Committee.

The Speaker.] The reaſon of it is, the Houſe avoids a Queſtion upon any thing of Money in the King's Speech, but it muſt ariſe from a Motion in the Houſe, referred to a Grand Committee to conſider, &c.

Mr *Swynfin.*] Now we are near the end of a Seſſion, and wearied with long ſitting, and Gentlemen muſt go into the country, to attend their affairs. Therefore you deſired to have all the matter before you. This did not invite the King's Speech, nor give any occaſion for it. I deſire, however, we may not make any longer delay, but come to ſome reſolution to-day, whether you will conſider the ſeveral things in the King's Speech, or not. I am ſorry the Motion is made to us now from the King, and am ſorry we can give the country ſo little account of what we have done already. We have complied with all things at the opening of the Seſſion, and it is a moſt unuſual thing to have new demands for Money at the latter end of a Seſſion. I know not any Precedent before of it. At the opening of the Seſſion, there was Money given for an Army by land, and a Navy by ſea, for a *French* War. And all the latter part of the Seſſion has been ſpent in raiſing a great charge on the kingdom, for diſbanding that Army; and it will lie very hard upon the people. You have gone through all, &c. unleſs what ſeems to be hinted in this Speech, about the Cuſtoms of Wines for the King's life. It is very ſtrange,

that, at the latter end of a Seſſion, we ſhould come upon this. And I hope the Houſe will not take into conſideration any new Motions, at the latter end of a Seſſion, for ſo great an addition to the King's Revenue.

Mr Secretary *Coventry*.] When the King has no other way to raiſe Money, this is the King's highway; and it is for every man's good, and this may be ſo. There may be as much haſte in denying now, as in giving Money, when we ſee what may happen to the nation by ſurprize, and how little will maintain an iſland, or a fort, which may coſt 100,000*l.* to redeem. The King offers you ſome part of his Revenue for the Navy, and 100,000*l.* a year more than you would have appropriated to the Navy, viz. 500,000*l.* a year. When you ſhall have the Debate before you, of the neceſſity, inconvenience or convenience of this Grant, then it is time to think of a negative to it.

Sir *John Knight*.] Conſider the poverty of the nation, and fall of rents; it is impoſſible we ſhould grant what is deſired. Here are Penſions upon the Revenue, and we muſt ſtill ſupply it. I would have an Act of Parliament to annull them all. At this rate we ſhall be *Normans*, and wear wooden ſhoes. I move, therefore, "That there be no farther addition to the Crown Revenue, but that the Revenue may be better managed." Which will ſufficiently do the buſineſs of the Crown, without addition.

Lord *Cavendiſh*.] There is no ſlavery like that under a form of Law. This is ſo formidable a demand, in the King's Speech, that the firſt impreſſion I can make of it is, to remove thoſe who adviſed the King to demand it. "The King would be at eaſe, if his Revenue was," and as long as theſe Miniſters manage it, he never will; and I would have them removed. Our liberality has brought upon us the fears of Popery and arbitrary Power. I would not have our ſleeps diſturbed with this demand in the King's Speech; and whilſt the Houſe is full, I would ſee an end of theſe demands.

Sir

Sir *Francis Drake.*] Our Saviour was followed by a great many for the loaves, and ſo was the King's father. Great ſums are aſked. Is it from without us, or within us? Let us, however, get theſe men removed from the Throne, that have endeavoured to break truſt and confidence betwixt the King and us. They are uneaſy with a Parliament, and would have ſuch a Revenue granted the King, that they may have no more. No *Engliſhman* can give this money demanded; and I would give none.

Sir *John Ernly.*] This of 400,000*l. per annum* for the Navy was formerly ſpoken of here. Here is nothing new in the King's Speech, but the additional Revenue of 300,000*l. per annum.* Inſpect the King's Revenue, and enter into a Grand Committee, and I doubt not but you ſhall have ſatisfaction, that the Revenue will be more than expended on the King's neceſſary occaſions.

Mr *Booth.*] It is ſaid "that the Revenue cannot maintain the charge of the Government." If it be not enough, it is becauſe there are ſo many Privy Seals; they are ſo numerous, and the Revenue is ſo ill managed; and it is very hard that the nation ſhould ſupply the defects of ill management. The Speech tells you, "That the Revenue is not ſo great as that of other Princes." If it was ſo great as that of *France*, I fear it would be to make the King as abſolute as the King of *France.* As to the Princeſs of *Orange*'s Portion, I hope we ſhall not pay all the Portions the King engages for. I hear there are great expences in lodging at *Whitehall*, (the Dutcheſs of *Portſmouth.*) Still for more expences. I move, therefore, "That we may give no farther addition to the King's Revenue."

Sir *Thomas Meres.*] Enumerates the King's Revenue, and the charges upon the people, now amounting to about two millions; and here's a requeſt of 300,000*l.* for the King's life, which, at ſeven years value, amounts to two millions. Pray put a Queſtion whether you ſhall ſet a day for this Motion. And I pray you'll give a negative Queſtion. I'll give a negative.

Mr *Sacheverell.*] There is more in this Queſtion than in any I ever heard, ſince I ſat here. The States of *France* gave the King power to raiſe money upon extraordinary occaſions, "till their next meeting," and they never met more. This ſum is aſked, "becauſe of the *Algiers* War;" and another reaſon is, "the King will give you 500,000*l. per annum* for the Fleet." And we gave 700,000*l. per annum* for it in the Cuſtoms. Thoſe that move you now for a Supply, I believe, intend not to perpetuate it upon your land. Trade is already overcharged, and where will they have it? Home Exciſe; that way has loſt them their liberty in *France.* Juſt as the calculation was made for the War, and diſbanding the Army, and the Revenue demanded is calculated for an Army of 20,000 men. I would aſk any Gentleman, whether he would make the Revenue ſo big, as there ſhould be no uſe of a Parliament for ſupplying the King? and whether ever the Miniſters will call a Parliament again, ſhould you grant ſuch a Revenue as is aſked? Conſider this too; when we are upon any good Laws, we are prorogued, and can do nothing but give Money. I'll truſt the Miniſters no more; and I'll give my negative to increaſing the Revenue 300,000*l.* more.

Mr *Powle.*] I take this increaſe of the Revenue to import no leſs than the change of the Government. Either we ſhall not need Parliaments any more, by good huſbandry of the Crown, or elſe the Crown muſt ſtill have Aids, and the nation be not able to bear it. In the Revenue now, there are all the marks of ſuperfluity; as Penſions on the Cuſtoms, and other branches of the Revenue, beſides 80,000*l.* paid out of the Exchequer for ſecret ſervice, within theſe few months. And I have ſeen accounts in the Secretary's papers, for Intelligence, &c. that come not near up to that ſum. Now, we are required to inſpect the Revenue, &c. a moſt unreaſonable thing, at the latter end of a Seſſion! I know not how this Revenue can be granted, but upon a Home-Exciſe; and then what uſe can there be of ſo much Revenue, but for keeping

keeping up the Army? We are told things in foreign affairs in the King's Speech, "That now it is too late to aſk our advice." The King deſires "that his Revenue may be equal to other Princes, &c." but our ſituation defends us, and our Navy ſecures us. Where enemies have no ſea to paſs, there muſt be Garriſons upon the frontiers, and Armies that muſt be paid. I would have all men conſider this Queſtion, of increaſing the Revenue 300,000*l.* for the whole fate of Parliaments depends upon it.

Mr *Pepys.*] That which is the Queſtion, is, not granting the thing, but "appointing a time to conſider of it." You are told, "That the Revenue is ſhort, for the neceſſary occaſion of the Government." Examine the truth of it, by aſſigning a time to ſee whether thoſe Gentlemen that ſpeak on the one ſide or the other, are in the right.

Mr Secretary *Williamſon.*] Unleſs you acquieſce in the reaſon of giving this Revenue, I would never preſs the Houſe beyond their temper. I am willing that, for this time, the thing be laid aſide.

Mr *Vaughan.*] By *Williamſon*'s argument, ſince the Houſe does not willingly entertain the Motion now, &c. that is to ſay, it may be taken up again. Some are diſſolving this bond betwixt the King and his people, by this. I could not think that there was ſo much guilt in any perſon in the kingdom, to make ſuch efforts. You have had ſtrange judgments in the Exchequer-chamber, in the caſe of *Barnardiſton* and *Soames.* Such Judges may be prepared for judgments againſt you in the Exchequer-chamber for what you do here, when theſe doors are ſhut. Vaſſalages hereafter will not be confined to particular tenures, but this will be throughout the whole nation. I have ſeen men riſe from nothing, within theſe walls. And when they are taſk-maſters within theſe walls, they are taſk-maſters to ruin the nation, with raiſing themſelves. You have but one more addition to your misfortune, and that is, to give

this 300,000l. increaſe to the Revenue. And I will give my negative to it.

Sir *William Coventry.*] I riſe only to ſpeak to the previous Queſtion. It is become a very parliamentary thing, but a word ſometimes ſlips into it, that makes a doubt. The word "now" being not put in it, it may be a fortnight, or a month hence; but if you pleaſe to leave out the word "now," then the Queſtion will be, "Whether you will conſider of the Motion for increaſing the Revenue 300,000*l. per annum.*"

Sir *Job Charlton.*] I move that you will give the Officers of the Treaſury time to make out, whether the Government cannot be ſupported without this addition to the Revenue. The King denies you no Bills you preſent him, only *le Roi s'aviſera.* And I would not have you do any indecent thing to the King. *(He was laughed at.)*

The Queſtion being put, "That the Houſe will go into a Grand Committee, to conſider of the Motion for raiſing 300,000*l. per annum*, for an additional Revenue to the King," it paſſed in the negative, without a diviſion *.

On the Compenſation for the Prohibition of *French* Commodities.

Mr *Powle.*] The ſooner you give your Compenſation, &c. the leſs you will have the effect of your Prohibition. When the year is out, you'll ſee what damage it will be to the Revenue, and then will be time to conſider of it.

Lord *Cavendiſh.*] I would know, whether by the Peace we have a better opinion of the King's Miniſters, or by the Chancellor's Speech a worſe opinion of ourſelves. I move that the Audit of the Exchequer may be brought in, by the Auditor of the Exchequer, to ſee what has

* It was ſaid, "That there was a demand for a Revenue, which would furniſh the Court ſo well, that there would be no more need of Parliaments." The Court party thought ſuch a gift as this would make them uſeleſs, ſo the thing was, upon one Debate, rejected without a diviſion. *Burnet.*

been

been iſſued out for Secret Service, ſince *May* 1677, with the Penſions. And I hope that ſuch as are concerned in charging the Revenue unneceſſarily, will have their condign puniſhment.

Sir *Thomas Lee.*] I know not what this Compenſation is now, in this new dreſs of Prohibition, any more than in its old dreſs of Revenue. This morning ſtill we have propoſitions to have no farther uſe of us. The Officers of the Ordnance's paper for ſtores was 80,000*l.* and the land Army no leſs, which you have allowed; and if the whole rents of *England* ſhould be enacted into the King's Revenue, they would not ſuffice the Government, as things have been managed.

Sir *Thomas Clarges.*] This is the ſtrangeſt chimerical motion that ever was made in Parliament, for juſt nothing. For you have not yet received any damage. The purport of the Prohibition is for advantage in the parts of trade.

Colonel *Birch.*] They that moved the Compenſation, &c. to-day, have ill timed it. There have been ſo many goods of all ſorts come in out of *France*, before the time limited for Prohibition, that the defect of the Cuſtoms cannot be ſeen till *Michaelmas*. I would now lay this Motion aſide, and adjourn.

The Queſtion being put, That the Compenſation to the King for the Clauſe of Prohibition of *French* commodities ſhould be referred to the conſideration of a Committee of the whole Houſe, it paſſed in the negative, 202 to 145.

Sir *Thomas Mompeſſon.*] Moves that an account of all the Penſions charged upon the King's Revenue may be brought in. And if thoſe Gentlemen that went out for the Compenſation, think the Revenue will be ſtraightened, they will not be againſt ſtopping thoſe Penſions.

[This Motion was agreed to.]

This Debate being over,

Sir *William Coventry* ſaid,] I take ourſelves to be uſeful, not to ſay neceſſary, to the Government, and till thoſe ſcandals are taken away from us, mentioned in a book, of

receiving penſions for our Votes (which, it ſeems, has been thought fit to be amongſt the advertiſements in the *Gazette*, and a reward promiſed to the diſcoverer of the Author or Publiſher,) I ſay, ſince this is made public, till this ſcandal be taken away, we cannot ſerve the nation as we ought. *Money*, *Solomon* ſays, *will blind the eyes of the wiſe*. If a man be in poverty, he need not be aſhamed of his Majeſty's bounty. I ſay, he need not be aſhamed of the bounty of his Prince. But that man, whoever he be, that goes about to corrupt Members of Parliament for their Votes, be he ever ſo great, ſhould be aſhamed of it. If a man be ſo baſe as to receive 500*l.* for his Vote here, he, in time, will raiſe it up to 1500*l.* And that trick will be ſpoiled at laſt. If a man has been ſo tranſported by any preſſures, let not the reputation of all your Members lie under ſcandals; elſe the very Laws you make will not meet with that chearful obedience they ought to have. I hope, therefore, that this Houſe will do ſomething in vindication of themſelves, the thing now being made *Gazette*-matter, in the face of the whole world. I am not a man prepared to preſcribe you a method to purge yourſelves; but now that the jealouſy has got ſo much ſtrength as to be in print, and ſince it deſerves the notice of the Government, which has put it in print, ſeeing the ill fame of it has gotten abroad, I would have the good fame of our endeavouring to detect it get abroad likewiſe.

Sir *Thomas Clarges*.] The Auditor of the Receipts of the Privy Seals can inform you, what money has been iſſued out ſince *May* 1677, upon extraordinary occaſions.

Mr *William Harbord*.] Whoever attempts the enſlaving, and making the legiſlative Power ſubſervient to any particular ſubject, is [guilty of] the greateſt crime that can be. Therefore I will explain myſelf thus. I would have every Gentleman of the Houſe come to the table, and proteſt that he has received no reward for any thing he has done in Parliament, or for giving his Vote. Or if any Gentleman be in employment in the Government,

ment, and has been put out of his Place for giving his Vote here according to his conſcience, or has been threatened, this is a great crime. And I would have it as comprehenſive as you can.

Whereupon ſeveral propoſed theſe following Teſts, &c. as they ſtood inclined to one party, or the other.

1. Whether any Members have received money to give their Votes, &c.?

2. Whether any Members have been turned out of their Places for giving their Votes, &c.?

3. Whether any Members are guilty of Popery, and come not to the Sacrament, &c.?

4. Whether any Members have been dealing with, or converſing with foreign Miniſters, or receiving money from them, to forward any buſineſs relating to Parliament?

5. Whether any Members have received money for giving Counſel for any Bills depending in the Houſe?

6. If any Committees have received gratuities?

7. If any Members have ſollicited voices in any buſineſs depending in Parliament?

8. If any Members have offered their ſervice to any great perſons to vote in Parliament, and have been refuſed?

9. If any Members have received money for granting Protections, &c.?

10. If any have kept public tables for Members, and at whoſe charges, &c.?

11. How many Members ſit in the Houſe out-lawed, before judgment as well as after?

12. Enquiry to be made of thoſe who go to Conventicles.

13. That a Teſt be given for diſcovery of the libel of the Catalogue of the Penſioners names, &c. who was the Author of it, and who promoted the diſperſing, &c.?

Of all theſe Articles it was propoſed that every Member ſhould purge himſelf; [and a Vote paſſed accordingly.] But after it was thought that all was done and ſettled, and the Houſe was about to riſe, ſo many went away before a Committee was appointed to draw up the ſaid Teſts, that the Court Party took advantage to put the Queſtion, Whether a Committee ſhould be named, or no, which was carried in the negative, [100 to 86,] and ſo the thing ended.

Wedneſday,

Wedneſday, June 19.

Complaint was made, by ſeveral Members, of the Clerk's non Entry of the Enquiries yeſterday, concerning moneys iſſued out by Privy Seals, and that he deſerved to be turned out of his place for his miſdemeanor.

The Speaker.] You meddle with what you have nothing to do with, in diſplacing the Clerk, he being a Patent Officer.

Mr *Hampden.*] The Clerk-aſſiſtant is your own Officer, and you may put him out, and diſplace him, upon miſdemeanor.

Mr *Goldſborough*, the Clerk, was ordered to give an account of the paſting of the leaves together, in the Journal of the year 1663, and defacing it.

The other allegation againſt the Clerk, of the not entering yeſterday's Order perfectly, was paſſed over, with ſome reflection on the Clerk; and he was ordered to perfect the Journal.

A Letter was ſent from Sir *Solomon Swale* to the Speaker, to excuſe his receiving the Sacrament * till *Sunday* ſevennight, being prevented the laſt *Sunday*, by reaſon there was no Sacrament at St *Martin*'s Church, and after next *Sunday* come ſevennight he hopes to be here to give his attendance‡.

Mr *William Harbord.*] This is a mere trick; for *Swale* hopes by that time you will be up, and no farther enquiry be made after him. But I'll take care to inform you of this trick.

Mr *Williams.*] A Certificate of his repairing to divine ſervice, and hearing it orderly, is a fair inducement to the Dioceſan to certify. For the Order is nothing about receiving the Sacrament, only "his conformity," 3 *James.* And his "allegation about receiving the Sacrament" is an inſignificant thing, to delay time only.

The Speaker *reads the Statute.*] "He is to repair to his Pariſh Church, where is the moſt of his abiding; and his receiving the Sacrament there ſhall undo the indictment."

* By an Order of *June* 10. he had been required to bring a Certificate by this day, of his conformity to the Church of *England.*

‡ See Vol. V. p. 77.

Lord

Lord *Gorges.*] If *Swale* would have conformed, he might have conformed in all this time, and it is a contempt of your Order.

Sir *Thomas Meres.*] Since *Swale* has had two or three admonitions, for theſe five months laſt paſt that you have ſat, and he has been convicted a year and a half, there's no farther forbearance can be, but you muſt do ſomething with him.

Mr *Daniel Finch.*] The not receiving the Sacrament does not diſable *Swale* from ſitting in Parliament, but the not taking the Oaths of Allegiance and Supremacy. I move, that, if before *Monday* he receive not the Sacrament, and take not the Oaths of Allegiance and Supremacy, he ſhall not be permitted to ſit here; and that a Writ be ſent out to chuſe another Member to ſerve in his place.

Sir *Robert Sawyer.*] A Popiſh Recuſant convict cannot come near the King's perſon, and, *à fortiori*, he cannot be of the great Council of the nation. Whoever diſables himſelf (as this caſe of *Swale*'s is) from his attendance in Parliament, you ought to diſcharge. And now you have fears and jealouſies of Popery, to let ſuch a man be one of you, that wilfully ſtands out of the Church!—You cannot anſwer it. I hope you'll diſcharge him.

Then this Queſtion was put, and carried, viz. That whereas it appears to the Houſe, that Sir *Solomon Swale* is convicted of Popiſh Recuſancy; and having been divers times called upon by this Houſe to ſignify his conformity to the Church of *England*, which he hath not done, in purſuance to a peremptory Order of this Houſe;

Ordered, That the ſaid Sir *Solomon Swale* be diſcharged from the ſervice of this Houſe; and that a new Writ be iſſued out for the choice of another Member to ſerve in his place, for the Borough of *Aldborough*, in the county of *York*.

N. B. *This day the Compiler went out of town, and what follows was communicated to him by letters from Members, &c.*

Thurſday,

Thurſday, June 20.

The Lord Treaſurer, by his Majeſty's command, acquainted the Lords, "That his Majeſty did yeſterday receive a letter from his Ambaſſador at *Nimeguen*, Sir *Lionel Jenkins*, dated the 15th of *June*, which gave him an account, that the *French* Ambaſſadors had declared to the *Dutch* Ambaſſadors there, that they would not void any one of the places they held in the *Spaniſh Netherlands*, till *Sweden* be effectually reſtored to the places taken from them; no, notwithſtanding that the Peace was already ſigned and ratified between them. That upon this is ariſen a difficulty on the ſide of the *Spaniards*, whether they will accept of the *French* conditions.

"That Monſieur *Beverning*, one of the States Ambaſſadors there, had thereupon earneſtly enquired of him, whether the Army of *England* was preſently to be diſbanded; becauſe no body could tell what end things would come to; for if *France* will keep all the places in the *Netherlands* filled with their troops, it is in vain that the States have taken ſo much pains about their Barrier; for they will have none, when all is done. And the ſaid Monſieur *Beverning* was very anxious, till he did hear out of *England*, that the Army might not yet be diſbanded.

"That the Imperial Miniſters had been to viſit him that day; and that their principal buſineſs was to learn what they could from him, in what ſtate our Army was, things being in this doubtful condition."

The above was the ſame day communicated to the Commons, at a Conference, and the Lords delivered them a copy of the Meſſage.

The Commons, after the Conference, had ſome Debate upon the ſaid Meſſage, but did nothing thereupon; but *Reſolved*, That a Meſſage be ſent to the Lords, to remind them of the Bill for diſbanding the Army.

The Houſe then went into a Committee of the whole Houſe, and *Reſolved*, That the [new] impoſts on Wines and Vinegar be granted to his Majeſty for three years, from the firſt of *Auguſt* next, upon ſuch Wines [and Vinegar] as may now be legally imported.

The Queſtion being put, That the ſum of 200,000*l.* which was borrowed on the credit of the Exciſe, ſhall be charged on the Bill for impoſt on Wines, it paſſed in the negative, 179 to 168 *.

* This being in the Committee, is not mentioned in the Journal.

Friday,

Friday, June 21.

[In a Grand Committee.]

Reſolved, That a Supply, not exceeding the ſum of 414,000*l.* ſhall be granted to his Majeſty, for paying off the extraordinary charge of the Navy and Ordnance; and for paying the Princeſs of *Orange*'s Portion; and for the repayment of the 200,000*l.* borrowed upon the credit of the additional Exciſe. And that the people be charged with no more money this Seſſion of Parliament.

[Agreed to by the Houſe.]

Saturday, June 22.

The Lords believing it impoſſible to diſband the Army by the days the Commons named in the Bill, changed the "laſt of *June*" to the "27th of *July*," for that part of the Army in *England*: And for thoſe abroad, they changed the time from the "24th of *July*" to the "24th of *Auguſt*." [And the Bill, with theſe amendments, being returned to the Commons this day, they were, on Debate, diſagreed to by the Houſe.]

[*June* 24. omitted.]

Tueſday, June 25.

The Commons [at a Conference] gave ſeveral reaſons for their not agreeing with the Lords in the above amendments. The main one was, "It being a Bill of Money, they cannot allow their Lordſhips any manner of power, to add, or diminiſh, to, or from it, &c." [And they offered a Proviſo, by way of Expedient.]

The ſame day ſeveral ways were propoſed for raiſing the ſaid ſum of 414,000*l.* as upon buildings [erected ſince 1656, upon new foundations,] within ten miles of *London*. [But this was rejected, 117 to 88.] By the old way of Subſidy, &c. but at laſt it was concluded by Land Tax. The Houſe grew ſo thin, that, upon a diviſion [for adjourning the Debate] the Aye's were but 74, and the No's 71.

Wedneſday, June 26.

The Lords, at a Conference, gave ſeveral reaſons for inſiſting on their amendments to the Bill of diſbanding, and for rejecting the Proviſo offered by the Commons. But to all the amendments but one the Commons diſagreed, and adhered to their Proviſo.

[*June* 27 omitted.]

Friday,

Friday, June 28.

The Lords voted that they adhered to their amendments, and diſagreed to the Proviſo. And the Commons voted *e contra*.

[*July* 1, and 2 omitted.]

Wedneſday, July 3.

Reſolved, That all Aids and Supplies to his Majeſty in Parliament, are the ſole Gift of the Commons; and all Bills for the granting of any ſuch Aids and Supplies ought to begin with the Commons; and that it is the undoubted [and ſole] right of the Commons to direct, limit, and appoint, in ſuch Bills, the ends, purpoſes, conſiderations, conditions, limitations, and qualifications [of ſuch Grants;] which ought not to be changed by the Houſe of Lords.

[This was upon the Report from the Committee, to whom it was referred to prepare and draw up a ſtate of the Rights of the Commons, in granting of Money.]

The arguments in the Houſe upon this Vote were chiefly what had been uſed formerly upon like occaſions.

The ſame day the Commons *Reſolved*, That proviſion be made in the Bill now depending, for raiſing 414,000*l.* for raiſing 206,462*l.* 17*s.* 3*d.* for diſbanding the Army; and that they be tacked together to be ingroſſed in the ſame Bill. And this expedient ended the Controverſy between the Lords and Commons, about the Lords alteration of the times of diſbanding the Army, &c. in the Bill the Commons ſent up. And the former Bill of diſbanding the Army was laid aſide.

[*July* 4, 5, and 6 omitted.]

Monday, July 8.

The grand Money Bill paſſed, and was entitled "An Act for granting a Supply to his Majeſty of 619,388*l.* 11*s.* 9*d.* for diſbanding the Army, and other uſes."

[*July* 9, 11, 12, and 13 omitted.]

Monday, July 15.

The Houſe attended his Majeſty in the Houſe of Peers, where the Royal Aſſent was given to the Money Bill, and eight others; after which the Lord Chancellor acquainted the two Houſes, "That his Majeſty had thought fit, on the preſent juncture of

of affairs, to prorogue them to the firſt of *Auguſt*, and ſo keep them in call, by ſhort Prorogations; his Majeſty not knowing how ſoon he might have need of their farther ſervice and aſſiſtance: But that his Majeſty's intention was, that they ſhould not meet till towards winter, unleſs there were occaſion for their aſſembling ſooner, of which he would give them timely notice, by his Proclamation." And accordingly the Parliament was prorogued till the firſt day of *Auguſt* *.

Auguſt 1ſt the Houſe met, and was farther prorogued to *Auguſt* 29th; from thence to *October* 1ſt; and from thence to *October* 21.

* Thus ended the ſeventeenth Seſſion of this Parliament; and thus *England* ſaw herſelf engaged in an expence of 600,000*l.* to pay an Army and Fleet, which certainly had not been prepared to make War with *France*, or for the ſecurity of *England*. *Rapin*.

Debates in the Houſe of Commons.

From the Year 1667 *to the Year* 1694.

Monday, October 21, 1678.

THE two Houſes being met, his Majeſty, in his Speech, gave them to underſtand, "That for the well-ſecuring what was left of *Flanders*, and the keeping his neighbours from deſpair, he had been obliged to keep up his troops: That both the honour and intereſt of the nation were ſo far improved by it, that, he was confident, no man would repine at it, or think the money, raiſed for their diſbanding, to have been ill employed in their continuance: That he was ſo much out of purſe for that ſervice, that he expected they ſhould ſupply it: That how far it would be neceſſary, conſidering the preſent ſtate of *Chriſtendom*, to reduce the Land and Sea Forces, or to what degree, was worthy of all their ſerious conſiderations." He then proceeded to ſignify, "That he had been informed of a deſign againſt his perſon, by the *Jeſuits* *; but ſaid,

* It may be proper briefly to obſerve, that on *September* 28, *Titus Oates* had given information, before the Council, of many diſcourſes he had heard among the *Jeſuits*, of their deſign to kill the King, naming perſons, places, and times almoſt without number; upon which many *Jeſuits* were ſeized that night and the next day; and in particular, having accuſed *Coleman*, the Duke's Secretary, of a ſtrict correſpondence with Father *de la Chaiſe*, the *French* King's Confeſſor, adding, "that he was acquainted with all their deſigns," *Coleman* was immediately apprehended, and from his letters, which were ſeized and examined, the ſtory gained great confirmation. Add to this, that Sir *Edmundbury Godfrey*, an eminent Juſtice of Peace, who had atteſted *Oates*'s depoſitions, was found, on *October* 17, with his own ſword thruſt through his body, in a ditch near *Primroſe Hill*, in the way to *Hampſted*, having been miſſing ever ſince the 12th. And as it had been taken for granted that *Coleman*'s papers confirmed every thing that *Oates* had ſworn, ſo it was no ſooner known that *Godfrey* was killed, than by the general voice the Papiſts were charged with the murder; for the diſcovery of which a reward of 500*l.* was offered by Proclamation on *October* 20, the day before the Parliament reaſſembled.

he

he forbore to give his own opinion, leſt he ſhould ſeem to ſay too much, or too little: That he ſhould leave the matter to the Law *; and that, in the mean time, he would take as much care as he could, to prevent all manner of practices by that ſort of men; and of others too, who had been tampering in a high degree with foreigners, and contriving how to introduce Popery amongſt us." He concluded, with recommending his other concerns to their conſideration: ſaid, "he had been under great diſappointments by the defects of the Poll Bill: That his Revenue was under great anticipations: That, at the beſt, it was never equal to the conſtant and neceſſary expence of the Government; and that he intended to have the whole ſtate laid before them, that they might conſider of it with that duty and affection which he was ſure he ſhould always find in them." The reſt he left to the Lord Chancellor.

The Compiler was abſent till the 28*th, in which interval Mr* Oates *and Dr* Tongue *gave in their informations relating to the Popiſh Plot, and little elſe of moment paſſed till he was preſent.*

[Both Houſes ſat out with a joint Addreſs to his Majeſty for a ſolemn Faſt, to implore the mercy and protection of Almighty God to his Majeſty's Royal Perſon, and in him, to all his loyal ſubjects, &c. and *Nov.* 13th was accordingly appointed.]

Saturday, October 26.

The Lords and Commons preſented to his Majeſty the following Addreſs:

"May it pleaſe your Majeſty,

"We your Majeſty's moſt dutiful and loyal ſubjects, the Lords [Spiritual and Temporal] and Commons in Parliament aſſembled, having taken into our ſerious conſideration the bloody and traiterous deſigns of Popiſh Recuſants againſt your Majeſty's

* The King knowing the diſaffection of the Commons, was reſolved, if poſſible, to prevent this affair from coming before them: he feared, very juſtly, that they would examine into the bottom of this Plot, and, under a pretence of taking care of his perſon, diſcover many things which were yet to be concealed. For this purpoſe he expreſsly commanded the Earl of *Danby* not to acquaint the two Houſes with what had paſſed thro' his hands, and reſolved ſo to order it, that every thing concerning the Plot ſhould be left to the Law, in the belief that it would be much eaſier for him to manage the Judges than the Parliament. But the Earl of *Danby* broke all his meaſures, by communicating, the very firſt day, *Oates*'s Narrative to the Commons. The King was highly provoked with a procedure ſo contrary to his orders and deſigns, and gave him a ſevere reprimand; but the thing was without remedy. *Rapin.*

ſacred Perſon and Government, and the Proteſtant Religion, wherewith your Majeſty hath been graciouſly pleaſed to acquaint us; [*See p.* 112.] for the preventing thereof we do moſt humbly beſeech your Majeſty, that your Majeſty would graciouſly pleaſe, by your Royal Proclamation, to command all and every perſon and perſons, being Popiſh Recuſants, or ſo reputed, forthwith, under pain of your Majeſty's higheſt diſpleaſure, and ſevere execution of the Law againſt them, to depart and retire themſelves and their families from your Royal Palaces of *Whitehall*, *Somerſet-Houſe*, *St James's*, the Cities of *London* and *Weſtminſter*, and from all other places within ten miles of the ſame; and that no ſuch perſon or perſons do preſume, at any time hereafter, to repair or return to your Majeſty's ſaid Palaces, or the ſaid Cities, or either of them, or within ten miles of the ſame, other than houſholders, being tradeſmen exerciſing ſome trade, or manual occupation, and ſettled for twelve months laſt [paſt] in houſes of their own, and not having a habitation elſewhere, giving in their own names, and the names of all other perſons in their families, to the two next Juſtices of the Peace: And that it may be inſerted in the ſaid Proclamation, that, immediately after the day limited for their departure, the Conſtables, Churchwardens, and other the pariſh officers, go from houſe to houſe, in their ſeveral pariſhes, hamlets, conſtableries, and diviſions, reſpectively, and there take an account of the names and ſurnames of all ſuch perſons as are Popiſh Recuſants, or ſuſpected ſo to be, as well houſholders as lodgers and ſervants; and to carry a liſt of their names to the two next Juſtices of the Peace, who are to be thereby required and enjoined to ſend for them, and every of them, and to tender them, and every of them, the Oaths of Allegiance and Supremacy; and to commit to priſon, till the next ſucceeding Seſſions [of the Peace,] all ſuch perſons as ſhall refuſe the ſaid Oaths; and at the ſaid Seſſions to proceed againſt them, according to Law: And that your Majeſty will be pleaſed to direct Commiſſions to be forthwith iſſued, under the Great Seal of *England*, to all Juſtices within the Cities of *London* and *Weſtminſter*, and within ten miles of the ſame, to authorize and require them, or any two of them, to adminiſter the ſaid Oaths accordingly: And that your Majeſty would farther pleaſe to command, that no Warrant or Licence be granted but what ſhall be ſigned by ſix of your Majeſty's moſt honourable Privy Council [or otherwiſe than at the Council Board,] for the ſtay, return, or repair of any ſuch perſon or perſons into any of the ſaid places, till ſome more effectual Law be paſſed for preventing the ſaid Popiſh Conſpiracies, and for the preſervation of your Majeſty's

Majeſty's ſacred Perſon, and the Religion and Government by Law eſtabliſhed; for which we your Majeſty's moſt loyal and dutiful ſubjects will always employ our utmoſt endeavours and daily prayers."

[*Mr* Oates, *Mr* Michael Godfrey, *and Mr* Mulys, *having given in their Informations to the Houſe, (who on this occaſion ſent for Lord Chief Juſtice* Scroggs *from off the Bench to ſign certain Warrants:) concerning the Plot, and the death of Sir* Edmundbury Godfrey, *the following Clauſe was added to the Addreſs.*]

"And whereas the ſafety and preſervation of your Majeſty's moſt ſacred Perſon is of ſo great conſequence and concernment to the Proteſtant Religion, and to all your ſubjects, we do farther moſt humbly beſeech your Majeſty to command the Lord Chamberlain, and all other Officers of your Majeſty's Houſhold, to take a ſtrict care that no unknown or ſuſpicious perſons may have acceſs near your Majeſty's Perſon; and that your Majeſty will likewiſe pleaſe to command the Lord Mayor and the Lieutenancy of *London*, to appoint ſufficient Guards of the Trained Bands within the City of *London*, during this Seſſion of Parliament; and likewiſe the Lord Lieutenants of *Middleſex* and *Surry*, to appoint the like Guards of the Trained Bands in *Middleſex*, *Weſtminſter*, *Southwark*, and other places adjacent, as ſhall be thought neceſſary *."

The King's Anſwer.

"My Lords and Gentlemen,

"I will take care what you deſire ſhall be done by the next Council day."

Monday, October 28.

Mr *Oates* † gave information againſt ſeveral perſons concerned in the Plot, particularly againſt the Dutcheſs of *Ma-*

* It muſt be obſerved, that theſe Addreſſes were all founded upon the diſcovery of the Plot; and that both Houſes did not confine it to the ſingle deſign of killing the King, but expreſsly added the two others, of ſubverting the Government, and changing the eſtabliſhed Religion: and never did the two Houſes ſeparate theſe three Articles. A clear evidence, that they believed the Plot was not confined to the deſign of killing the King, as ſome would inſinuate. *Rapin.*

† *Titus Oates* was the ſon of an Anabaptiſt Teacher, who afterwards conformed, and got into Orders, and took a Benefice, as this his ſon did. He was proud and ill natured, haughty, but ignorant. He had been complained of for ſome very indecent expreſſions concerning the myſteries of the Chriſtian Religion. He was once preſented for Perjury. But he got to be a Chaplain in one of the King's ſhips, from which he was diſmiſſed upon complaint of ſome unnatural practices. *Burnet.*

The picture of this noted man is

zarine: "That ſhe was a ſpy here, under a pretence of a difference with her huſband, for *France* *; and for this aſſertion, gives this reaſon, that all agents here reſort unto her; and Mr *Coleman* can, if he will, ſay as much as I have done."

Sir *Nicholas Carew.*] Moves to have the Lord Chief Juſtice iſſue out his Warrant to apprehend the ſeveral perſons Mr *Oates* has accuſed.

Mr *Goring.*] (*Upon Mr* Oates's *ſaying that Sir* William Goring *had received a Commiſſion from his hand to be a Captain of Horſe in the Plot, and had been an inſtrument to procure an hundred thouſand crowns to be tranſmitted into* Ireland, *for carrying on the Plot*) I believe they are a parcel of fools to employ a boy in the Plot, to manage ſuch a deſign.

Mr *Williams.*] It is moſt proper for a Juſtice of Peace of *Middleſex* to examine ſuch as Mr *Oates* has accuſed that are here within the county.

Colonel *Birch.*] That the clearneſs of what you do may appear, I would have that examination concerning Mr *Wilde*, your Member †, read.

The Speaker.] This is an examination without doors concerning a Member within doors, and not orderly to be read. In the caſe of Mr *Mallet*, he was charged without doors, and you ſent for him hither upon his petition, and you did remit him to the *Tower*. But for a Member charged within doors, you always order him to make anſwer in his place.

alſo drawn with the like features by Mr *North*, *L'Eſtrange*, and all the Court writers of thoſe times, with this only difference, that they are ſet forth by the laſt with bolder ſtrokes and ſtronger colours.

* The Dutcheſs of *Mazarine* having a difference with her huſband, retired into *England* this year, (1675) where it is pretended ſhe would have ſupplanted the Dutcheſs of *Portſmouth*, had not an intrigue with a certain Courtier been too ſoon diſcovered by the King. He aſſigned her, however, a penſion of 4000*l.* ſterling. Her houſe, to the day of her death, was the rendezvous of all the men of Wit and Quality, and *St Evremond*, a Refugee as well as herſelf, was one of her moſt conſtant attendants. *Rapin.*

† The ſum of Mr *Oates*'s information againſt Mr *Wilde*, was, "That Mr *Wilde* had a diſpenſation to take the Oaths of Allegiance and Supremacy, and the Teſt, the better to enable him to get an intereſt amongſt Parliament men, for the Catholics, and to be a Juſtice of Peace and Deputy Lieutenant; and that he had Maſs ſaid in his houſe."

Mr

Mr *Wilde.*] I deſire to know what I am accuſed of. I never had Maſs in my houſe in my life, nor went to an Ambaſſador's houſe to hear Maſs. Let any man ſpit in my face if he can prove it.

The Speaker.] If the examination be without doors, you muſt let it be proceeded in without doors; if the examination be taken within doors, then you muſt proceed here, and he muſt anſwer it in his place.

Mr *Williams.*] The firſt diſcovery I heard againſt Mr *Wilde*, was at the Bar, by Mr *Oates*; and, as I take it, the Houſe is in ſome meaſure poſſeſſed of it. You muſt either examine it here, or out of the Houſe, to come to judgment one way or other. You are in ſome meaſure poſſeſſed of it, and you muſt proceed.

Mr Secretary *Coventry.*] You ought to refer your Member to the Law and Juſtice for his examination, and not proceed yourſelves. Let the whole matter go all one way.

The matter was referred to the Law.

Sir *John Talbot.*] I have heard that both Lord *Stafford* and Lord *Petre*, after my Lord Chief Juſtice's Warrant was out againſt them *, took their places in the Lords Houſe, and the Lords did not think fit to let them be amongſt them; and I would not have you ſhow more favour to your Member, than the Lords ſhowed to theirs.

The Speaker.] There is no Warrant yet out againſt Mr *Wilde*; there was againſt the Lords, and that cannot be the ſame caſe.

Sir *Robert Southwell* reports the Letters found at Mr. *Coleman*'s houſe, which were preſerved, of which the Lords of the Council commanded him to make extracts after he had decyphered them; and they are from the Internuncio at *Bruſſels*;

* The ſame day that the Commons examined *Oates*, (viz. *Octob.* 24.) they ſent for the Lord Chief Juſtice *Scroggs*, who took his examination upon oath, and in the Houſe ſealed twenty-ſix Warrants for apprehending ſo many perſons whom he had ſworn againſt, among whom were the Lords *Powis*, *Stafford*, *Arundel* of *Wardour*, *Petre*, *Bellaſis*, and Sir *Henry Tichbourn*, Bart. all Papiſts, who were ſent to the *Tower*, and the reſt to ſeveral priſons.

ſome of the *French* King's Confeſſor's letters ſent by Sir *William Throgmorton*'s hands; and Letters to Monſieur *Pompone*, the *French* King's Secretary. The Lords commanded him to make extracts of the matters criminal in them, but they were ſo involved, it was hard to do it, ſo he tranſlated the whole Letters; but he ſuppoſes the Houſe will not be content with that broken manner he proceeded in."

Ordered, That a Committee be appointed to tranſlate the Letters of Mr *Coleman*, and the ſeveral Papers be ſent for by the Committee, which were received by the Clerks of the Council *.

[The Bill for hindering Papiſts to ſit in either Houſe of Parliament paſſed, and was ſent up to the Lords.]

Tueſday, October 29.

The Speaker acquainted the Houſe with a perſon taken upon the Guard, with an account of all the Votes of the Houſe, and tranſactions, &c.

The perſon was brought to the Bar, who ſaid, "he lives at one Mr *Smith*'s houſe, who belongs to the Wardrobe, and lives in *Black Fryars*. He acknowledges the papers taken upon him. He had them from one *Cole*, who commonly diſtributed ſuch papers, and he, coming there as a ſtranger, had one."

The Speaker.] Who employed you to look after Votes of the Houſe of Commons?

Anſwer.] I did it to ſatisfy the curioſity of friends. I have had of thoſe papers for one Mr *Oſborn*, from the ſame perſon, ſometimes for 6*d.* ſometimes for 12*d.* according as they were conſiderable. *Cole* delivered the Votes to one *Smith*, and I had them from him about five or ſix o'clock at night. Mr *Oſborn* is a Counſellor at Law, and I brought them to him, but I make it not my buſineſs, only at the deſire of perſons. *He withdrew.*

The Speaker.] I would have you ſpoil the trade, by tracing this to the original.

Mr *Sacheverell.*] It is the right of every Member to take Votes out of the Journal; and it is the right of any Commoner to ſee your Books.

* It appears by the Journal, that the Houſe being informed, "That there was a diſcourſe of blowing up the two Houſes of Parliament, and that this was the day for executing the ſame," ordered a Committee to go and ſearch the rooms underneath it.

Mr

The Speaker reflecting upon Gentlemen that took notes, Serjeant *Maynard* ſaid,] No man's memory can retain your Votes, and Gentlemen may take notes in your Houſe.

Sir *Richard Temple.*] The Votes of this Houſe are a Record, and people muſt have notice of Committees, to give their attendance. Speeches and Debates have been publiſhed, and that has always been criminal.

The thing went off without farther Proceeding*.

Sir *John Knight* reports ſome of *Coleman*'s Letters tranſlated.

Mr *Sacheverell.*] No Court ever took the matter before them when any part of the evidence was behind. When you ſee the Catalogue of the Letters in the Clerk of the Council's hands, and the reſt, then you may go upon them. One letter is an hiſtorical account of four years formerly—Thoſe Letters *Knight* reports are but ſubſequent —Will you not have the whole matter, before you give judgment upon it? I move, therefore, that you may ſee what is wanting; and that the Order may be general, to give in the Liſt, before you proceed.

Sir *Robert Southwell.*] The Letters in my hand are eighteen; they go from 1674 to 1675, and theſe go to Letters that have preceded thoſe. As for the liſt of the Letters before the Lords, I was charged with them, and I have my diſcharge in my pocket; they are not yet tranſmitted to this Houſe; there are forty or fifty of them. Sir *Philip Lloyd* promiſed me to make them ready by this morning; he knew the command of the Houſe, and promiſed to obey it, but he is gone with the Lords to *Newgate.*

The Catalogue of the Letters was read.

Ordered, That his Majeſty be [humbly] deſired by ſuch Members as are of the Privy Council, that [an Inventory, or Liſt, of] all Papers, which have been ſorted [by the Clerks of the Council, may be communicated to this Houſe;] and that all thoſe Papers which are not ſorted, may be delivered over to a Committee [of this Houſe] to ſort them.

* The only notice taken of this in the Journal, is, an Order, "That none of the Votes of the Houſe be diſperſed or publiſhed in the coffee-houſes."

The Letters then were read, dated 1674, which contained ſeveral paſſages for promoting the Catholic cauſe, and endeavours to diſſolve this Parliament at any rate, with frequent touches at the Duke's deſire of it at any rate; the moſt material are printed in *Coleman*'s Tryal, and in other pamphlets, &c. *See alſo the Journals.*

Mr *Powle.*] If *Coleman* had a reward and his life given him, or ſomething beyond it, he would deſerve it upon a full diſcovery of what he knows—What you do I would have done preſently, of offers and invitation for diſcovery, &c. You know not elſe how ſoon he may be diſpoſed of; therefore I move that you will ſend a Committee to him, to aſk him, whether he will make any diſcovery, &c.

Lord *Cavendiſh.*] I would have the Committee aſk him, in general, what he knows, and give him encouragement upon diſcovery, &c.

Mr Secretary *Coventry.*] Take heed of offering him reward, or promiſe of reward, leſt you deſtroy his evidence. I would have him interrogated only.

Colonel *Titus.*] You may proceed as far as thoſe Letters direct you, and farther as you ſee occaſion; and, leſt you ſhould be prevented by any making him away, do it quickly; and, no doubt, if he deſerve it, the interceſſion of this Houſe may prevail with his Majeſty for a pardon.

Sir *Thomas Littleton.*] I am afraid we are too nice in this matter—I would go plainly to work. Perhaps, to promiſe him pardon is in the method of dealing with a highwayman; perhaps, it is an abatement of his teſtimony—But you do not incapacitate him for evidence by promiſing your interceding for his pardon: He may accept it from the Commons of *England*, and I believe he will be ſo abandoned by his party, that you may know all.

Ordered, That a Committee be appointed to examine Mr *Coleman* concerning the Plot [and Conſpiracy mentioned] in the King's Speech.

[A Committee was appointed to go to *Newgate*, and examine Mr *Coleman* accordingly. *See the printed Journal.*]

Wedneſday,

Wedneſday, October 30.

Mr *Sacheverell* reports [from the Committee, appointed as above,] " That, according to Order, the Committee had been with Mr *Coleman* in *Newgate*; and they told him what favour he might reaſonably hope for, upon his full and plain diſcovery of things, and that he muſt needs know, without ſuch a diſcovery, the danger he was in;—to ſee how far his hopes and his fears would lead him—*Coleman* ſaid, " As to any deſign againſt the King's perſon, or taking away his life, [or the leſſening of his power] he never knew, nor heard of any ſuch deſign, nor knew of any Commiſſions for raiſing an Army." This he ſaid voluntarily of himſelf: This he made an abſolute denial of; and he directly denied " any intention of change of the Government by introducing Popery; but that he did deſign an attempt of diſſolving this Parliament, for liberty of conſcience; for he did not doubt but that if Popery was upon an equal foot with Proteſtantiſm, Popery would be eſtabliſhed. He thought that 300,000*l.* from *France* would be more certain than a Supply from the Parliament, &c.—Not three men in the world knew of this deſign, but the Duke of *York* knew of it, and communicated it to Lord *Arundel* of *Wardour*; and why this diſſolving of the Parliament would not be ungrateful to the King he had his private reaſons---The firſt correſpondence he had abroad was with Sir *William Throgmorton* *, who got him a correſpondence with Monſieur *La Ferrier* †. That correſpondence fell, after three or four letters: He held correſpondence likewiſe with the Pope's Nuncio [at *Bruſſels*,] which was introduced by a propoſition brought by Father *Patrick*; but the propoſition was unintelligible, and the Duke of *York* ſent him to the Nuncio, who denied the propoſitions from *Rome* about money, which Father *Patrick* brought, which propoſitions were the Nuncio's own; but the Nuncio going to *Rome*, promiſed to do what he could with the Pope in that affair. He had no farther correſpondence with the Nuncio as to this matter." He ſaid, " he always wrote to the Nuncio in plain hand, not in cypher. The cypher was uſed in the correſpondence with *St Germain*, and one *Blankart*, who was Secretary to M. *Rouvigny*."

Sir *Nicholas Carew*.] This Report appears to me as if what you ſay goes to *Newgate*. *Coleman* will confeſs no more than what you know already; therefore I would

* Converted by *Coleman* to the *Roman* Catholic Faith.
† Confeſſor to the *French* King.

ſend

ſend for Captain *Richardſon*, (the Keeper of *Newgate*,) to know what perſons have been with him beſides the Lords and Commons.

Serjeant *Maynard*.] There need not two witneſſes to every particular fact, but to circumſtances they will do—I would therefore ſend for the Jailor, to know who has been *Coleman*'s adviſer.

The Speaker.] *Coleman* is committed cloſe priſoner, and no man is to ſee him but in the preſence of Captain *Richardſon*, and his very wife is not to ſpeak with him without two witneſſes be by, by Order from the Lords of the Council.

Sir *Thomas Meres*.] By this interrogatory, you aſk *Richardſon*, Whether he has committed a fault? You aſk your ſervant, Whether he has broke the glaſſes? I expect as little effect now by ſending for *Richardſon*, as I did yeſterday by ſending the Committee.

[Mr *Richardſon* was ordered forthwith to attend the Houſe.]

Colonel *Egerton*.] As I was coming to the Houſe I met Lord *Caſtlemaine* *, who aſking what news, I ſaid, "I ſuſpected that *Coleman* would prove falſe to his party." He preſently replied, "I hope he will not ſerve us ſo."

Lord *Cavendiſh*.] I would know whether he ſaid it in earneſt, or in a jeering way.

Colonel *Egerton*.] *Caſtlemaine* has an impediment in his ſpeech; he ſtutters; but he ſpoke it in earneſt.

There was a great ſilence.

Sir *Edward Dering*.] We ſit ſilent, as if we had nothing to do. I think it worth your conſideration that ſome Juſtice of the Peace examine this matter, and one *Bateman*, who kept *Coleman*'s papers and wrote his letters: You may poſſibly by him know what is become of his papers.

Sir *Robert Howard*.] You have been told of a magiſtrate murdered, (*Godfrey*,) and it is diſputed in every ſtreet, whether it was done by Papiſts, or others, and they have produced reaſons for both: The diſcovery of that would

* Huſband to the Dutcheſs of *Cleveland*, the King's miſtreſs, and afterwards ſent by King *James* (in 1686) Ambaſſador to the Pope.

ſet

ſet mens minds at eaſe—Five hundred pounds are offered in the Proclamation; it is a poor combination that cannot give 600*l.* to ſtifle the diſcovery: I would have 5000*l.* reward for him that ſhall diſcover the murderers, and ſecured to him by this Houſe, by Act of Parliament, and if he was an actor in it, a pardon; the money to be paid to him or his Executors—I have made a motion ſuitable to my infirmity, and I leave it to you.

Sir *Nicholas Carew.*] I would have the Act for pardon only extend to one diſcoverer; elſe all the combination may come in, and ſo you puniſh nobody.

Sir *Thomas Littleton.*] I concur with the motion, but not that the pardon ſhould extend but to one perſon. There may be two brothers; or a father and ſon, or a niece, that may be comrades in the fact, that would not impeach one another: A man, ſometimes, deſires to preſerve one man's life as much as his own; therefore I would not have the pardon too narrow.

Sir *Richard Temple.*] I would not make the pardon without Precedent, but I would have a Bill extenſive to all crimes, and the reward to be to the firſt diſcoverer.

Sir *Thomas Littleton.*] Let the pardon be for all crimes that he ſhall diſcover, or elſe he is pardoned only for the death of *Godfrey*, and not for the reſt of the crimes.

Mr *Boſcawen.*] The 5000*l.* reward is not propoſed only for the ſake of the diſcovery of the murder, &c. If you take it that all *England* is concerned in the diſcovery, the reward is not ſo much. As *Birkenhead* ſays, he that diſcovers one, in all probability will diſcover all the murderers, and if you give 5000*l.* it will be little enough to diſcover this buſineſs.

Mr Secretary *Coventry.*] Thoſe that did the murder are men ſurely of that quality that they would give 50,000*l.* and more, to ſtifle it—Will you have *Gough* and *Whalley* pardoned for murdering the late King? If they diſcover this Plot, will you make the murder of *Godfrey* more than the murder of the late King? I believe this to be a murder, and a horrid murder, and I believe that it is upon the brink of diſcovery.

Serjeant

Serjeant *Maynard.*] The man that diſcovers this murder will never be able to walk out of his houſe again for danger, and if the reward of 500*l.* by the Proclamation will not diſcover this, 5000*l.* will not.

The Motion went off.

Mr Secretary *Williamſon.*] The King has given order to cauſe all *Coleman*'s papers that remain, to be delivered as you ſhall appoint.

Several informations were called for, as that againſt Sir *John Gage*, Sir *William Goring*, and the Dutcheſs of *Mazarine*, &c.

Sir *Thomas Lee.*] I hear, the Lords are examining Witneſſes upon oath; which will foreſtall any Impeachment you ſhall make.

Sir *Robert Sawyer.*] Perhaps, Juſtices of the Peace think the perſons they are to examine too great for them: Your Members ought to give you informations for that reaſon, that you may proceed upon them.

Sir *Thomas Meres.*] The Dutcheſs of *Mazarine* is accuſed, "that *La Chaiſe*, the *French* King's Confeſſor, correſponds with her, and he directs the Society of Jeſuits here to correſpond with her." If you are ſatisfied to put this up, I am ſo, but I think the Houſe is not to put it up.

The Speaker.] Thoſe that acted as Juſtices, &c. did it not as Members of the Houſe, but as Juſtices, who were at their own diſcretion. If you receive an account from them here, it muſt be to what proceedings you have had in the Houſe, and it is the firſt time ſuch a thing has been done.

Mr *Williams.*] You may examine matter of Treaſon in Parliament, by 25 *E.* III. Theſe are extraordinary ways, and not the common courſe of juſtice; if this be an Evidence in a Court of Law, a Juſtice of Peace's examination is a Judicature. I take it plainly, you have a Judicature in this—It may be read in any Court of Record, and may be uſed by you.

The Speaker.] In the Caſe of Mr *Mallet*, the Houſe would not read the examination, but remitted it to the Law. The declared Treaſons by 25 *Edw.* III. are with refer-

reſervation of what ſhall afterwards be made Treaſon by Parliament. That was the reaſon of accumulative crimes made Treaſon in the Earl of *Strafford*'s caſe—It is my duty to inform the Houſe in point of Law, and I wiſh I had more Law. I would do it truly.

Captain *Richardſon* attending, according to Order, and being called in, upon the Speaker's charging him that Mr *Coleman* had information of what was done in the Houſe, ſaid, " That ſince Mr *Coleman* had been committed to him, none came to him but his ſervant, and, by Order of the King and Council, his wife, in his preſence, and he heard all the diſcourſe that paſſed betwixt them; and the Committee of the Lords and the Commons---He is kept four loſts high, and, except the rattling of coaches, or hearing a Proclamation cried, he can hear nothing."

Sir *Nicholas Carew*.] By this it appears, that *Coleman* hopes to be ſaved by ſome other ways than your mediation. There was one Colonel *Grice* in a Plot, ſince the King came in, who was let down into a vault in the *Tower*, which was ſo terrible to him, that he confeſſed all—I move that *Coleman* may be removed thither.

Thurſday, October 31.

The Speaker gave the Houſe information, " That a Member of the Houſe, Mr *Wright*, the Lawyer, had converſed with Mr *Coleman*, at his Chamber at the *Temple*, three hours, the day before Mr *Coleman* was apprehended, and that he brought a quantity of papers in with him, and carried none away with him: Dr *Short*, a Papiſt, was with him; and Mr *Wright*, and the Doctor, dined that day together at my Lord Chief Juſtice *Scroggs*'s, and Mr *Wright* came to town but that morning."

Colonel *Birch*.] That *Coleman* ſhould ſo readily know that *Wright* was come to town, and at dinner at my Lord Chief Juſtice's, the ſame day *Coleman* was apprehended, and when the Plot was ſo well known to *Coleman*, and he that day ſearched for!—I believe my part of it, and every Gentleman does ſo too. That this ſhould be a meeting, as *Wright* ſays, of merriment only at his chamber for three hours, in the caſe *Coleman* was in, is not probable.

Mr

Mr *Wright* proffered to deliver the keys of his chambers and ſtudy, that no violence might be offered to the locks, but where they, that are to ſearch for Papers, find no entrance.

A Committee was ordered to ſearch them accordingly.

Mr *Powle.*] I would know who went away firſt when they parted.

Mr *Wright.*] *Coleman* and *Short* went away in a coach together.

Mr *Chriſtian* and Mr *Ramſey* were examined at the Bar, about Sir *Edmundbury Godfrey*, &c.

Reſolved, *Nemine contradicente*, That, upon the Evidence that has already appeared to this Houſe, this Houſe is of opinion that there has been, and ſtill is, a damnable and helliſh Plot contrived and carried on by the Popiſh Recuſants, for the aſſaſſinating and murdering the King, and for ſubverting the Government, [and rooting out] and deſtroying the Proteſtant Religion.

Ordered, That this Vote be communicated to the Lords at a Conference; and that the Lords be deſired to join with this Houſe in providing remedies for the preſervation of his Majeſty's Perſon and Government, and the Proteſtant Religion.

Sir *Henry Capel* reports from *Newgate*, That he aſked Mr *Coleman* how he diſpoſed of himſelf on *Sunday?* [that day he was with Mr *Wright.*] *Coleman* anſwered, "he went out in his coach, and in *Covent Garden* he met with Sir *Robert Thomas*; from thence he went to Lord *Arundel* of *Wardour*'s, about a horſe he had of him; from thence he went to *St. James*'s Park to walk, and then went home to dinner. Then he went out and called upon Dr *Short*; they told him, he was at dinner at my Lord Chief Juſtice *Scroggs*'s; he went not up ſtairs, but deſired two Gentlemen to tell *Short* he would ſpeak with him; his intention was to excuſe himſelf [he ſaid] to my Lord Chief Juſtice, about ſome paſſages in a Letter that ſeemed to reflect upon him—Then [he ſaid] he went away with Mr *Wright* to his chamber, where they talked of nothing but news of the times—He remembered no particulars, nor had they any diſcourſe about Law matters; he had no ſort of papers with him in his coach, but trivial matters in his pocket, and he left none with Mr *Wright*—In Mr *Wright*'s chamber [he ſays] lay a ſick boy, and an apothecary went in and out; and having ſtayed there ſome time, he carried Dr *Short* to a patient of his, and from thence he went to Sir *John Babere*'s"—And then he ſeemed to ſtop, and ſaid, "he could not well tell whether he went to Lord *Arundel* of *Wardour*'s; but hearing that

that his papers were ſearched, he went to adviſe with him what to do; from thence he went to his mother's, and from thence he went to lie at one Mr *Whitehall*'s, a Goldſmith."

Sir *Robert Thomas.*] I found all my people, at home, in a conſternation about the Plot, &c. and I went to the coffee-houſe in *Covent Garden*, to hear what news. And as I went, I met Mr *Coleman*. I told him, "he was up to the ſhoulders in it." *Coleman* ſaid, "he diſcovered it three weeks ago."

Dr *Short, at the Bar.*] "I dined the 29th of *September* with Mr *Wright*, at my Lord Chief Juſtice *Scroggs*'s, who was under my care, and it was about a week before that I had ſeen Mr *Coleman*. I had been with his Lady, but ſaw not Mr *Coleman* till that day in all that time. Mr *Wright* aſked me to drink a bottle of wine with him at his chamber with Mr *Coleman*, where I was from three or four of the clock till ſeven at night. I went away with Mr *Coleman*, who ſet me down at a patient's houſe. Whilſt we were together we had no ſerious diſcourſe, but there was ſomething ſaid of the Plot, and I named Mr *Oates* and Dr *Tongue*, and who had been under examination. I was carried directly to my patient in *Southampton* Buildings; and I heard Mr *Coleman* bid his coachman go home. I remember no other particulars, only general diſcourſe of the Plot. I ſuppoſe Mr *Coleman* called on me, to give me an account of his wife; ſhe was ill on *Monday*, and the ſervant that came for me told me that his maſter's houſe had been ſearched—Mr *Coleman* never gave me any papers to keep for him in his whole life." *He withdrew.*

Sir *Henry Capel.*] Mr *Coleman* ſaid, upon his examination, "That as for going to Dr *Short*, he had occaſion to take phyſic, the time of the year calling for it;" but he ſaid nothing concerning Dr *Short*'s coming to his wife.

Sir *Robert Southwell.*] Mr *Coleman*'s wife came lapped up in hoods, &c. and, for truth's ſake, I muſt inform you, ſhe was ill when ſhe came to ſollicit the Lords of the Council for her huſband's bail.

Sir *Edmund Wyndham*, the Knight Marſhal, makes report of his ſearch of Mr *Wright*'s chamber and ſtudy: "I found nothing in his chamber, ſtudy, or ſcrutore relating to any thing but his profeſſion; and the ſervants ſay they never ſaw Mr *Coleman* there with their maſter, but that day with Dr *Short*."

Mr

Mr *Wright.*] I hope the Houſe hath opinion of me, that I am a Proteſtant, and not a Papiſt. It is hard that a man ſhould have his Papers ſearched. I have many clients, and ſuch reflections may ruin me. I hope you will be pleaſed to juſtify me in this matter, that I may not lie under reflection.

Colonel *Birch.*] I find that *Wright* and *Short* had correſpondence, by papers in *Wright*'s hands. *Wright* ſaid "No, no," to all you asked him about diſcourſes of news, and you hear what *Short* ſays.

Mr *Wright.*] I proteſt before Almighty God, I had a child ſick, and my head was full of that; and I remember not the diſcourſes of news.

Sir *Thomas Littleton.*] The diſcourſe that paſſed betwixt *Short* and *Wright* might eſcape a third man.

The Speaker.] *Wright* had the ill fortune to be under the circumſtances of being in ill company.

Mr Secretary *Williamſon.*] Becauſe your Warrant for ſearch of Mr *Wright*'s ſtudy, &c. is upon your Books, I hope you will be pleaſed to declare your ſatisfaction with your Member upon your Books likewiſe.

Reſolved, That upon the ſearch and examination of Mr *Wright*'s ſtudy and papers, the Houſe does not find that Mr *Wright* had any communication with Mr *Coleman*, as to the Plot now under examination.

[For three letters of Mr *Coleman*'s to Father *La Chaiſe*, ſee the Journal, being entered there by Order of the Houſe.]

Friday, November 1.

Sir *John Knight* reports, [from the Committee,] the ſeveral Letters, Declarations, and other Papers, found at Mr *Coleman*'s houſe, [which were read by the Speaker to the Houſe.]

Sir *Robert Sawyer* reports the Conference [agreed to by the Committee] upon the ſubject-matter of the Vote of yeſterday, &c. to conſider of ſome remedies for the preſervation of the King's Perſon, Religion and Government againſt the Popiſh Conſpiracy—"The Commons have thought fit [after examination of ſeveral perſons and papers, and deliberate conſideration had thereupon,] to offer to your Lordſhips this Vote, to which they deſire your concurrence; [*For the Vote at large, ſee p.* 126.] The Houſe of Commons, being very ſenſible of the imminent danger

ger of the King and kingdom, do think it their duty to acquaint your Lordſhips therewith; and do pray your Lordſhips to take it into your conſideration to prevent the dangers, &c. And they doubt not of your Lordſhips concurrence in ſuch remedies as have or ſhall be by them propoſed to your Lordſhips for the effecting of this great end."

Mr *Sacheverell.*] I object to this manner of delivering the Vote. It is neceſſary that there be a good correſpondence between the two Houſes, and that all true Proteſtants have union amongſt themſelves. By Popiſh contrivances they would throw a bone betwixt the two Houſes. Though I like the words in the Paper well, I offer to you whether it would not be much better to ſhow, inſtead of by way of "intreaty to think of remedies, &c." that "you do not doubt it, and you look upon it as undoubted that the Lords will do it." The Houſes thereby will be joined by that Committee, and ſo come to your end the ſooner.

Sir *Thomas Meres.*] Theſe are not new difficulties, and this of a Committee of Lords and Commons has been talked of without doors; but theſe Committees ſeldom agree. In this Meſſage I ſee no probability of diſunion of the Lords and Commons. The Proteſtant Lords are well united, and I approve very well of *Sacheverell*'s Motion—The Vote has been carefully penned—In this whole Conference there is no great matter to be objected; the words are very eaſy—Whoſoever ſtarts a controverſy in this matter, I ſhall think him popiſhly inclined—Pray add theſe words, and let it go.

Mr Sollicitor *Winnington.*] The Houſe are all of an opinion. I would have no difference with the Lords, becauſe all our ſubſtance is at ſtake—This Vote has put another face upon things; which is very full.

Mr *Waller.*] The Vote is not ours only, but every body's opinion—To my great grief, I have ſeen the Houſe divided ſeveral times in a day. Nothing but *communis metus* makes us all agree, and I doubt not but we ſhall now.

The Conference was thus agreed:

"The Houſe of Commons is very ſenſible of the danger both the King and Kingdom are in, and they think it their duty to acquaint your Lordſhips therewith; and do pray your Lordſhips

will be pleaſed to take it into your ſerious and ſpeedy conſideration, what remedies are fit and ſuitable to be applied for preſerving the King's perſon, and preventing the alteration of Religion and Government: To which the Commons ſhall readily concur; as they doubt not of your Lordſhips concurrence to ſuch remedies as have or ſhall be by them propoſed to your Lordſhips for the effecting of this great end."

In the afternoon Sir *Thomas Meres* reports the Lords Anſwer, delivered at a Conference, as follows:

"The Lords have conſidered the Vote of the Houſe of Commons, communicated to them at the Conference, and have moſt readily and unanimouſly concurred with them in it, *Nemine contradicente*; and their Lordſhips are very glad to ſee the zeal which the Commons have ſhowed upon this occaſion, and do fully concur with them, that the moſt ſpeedy and ſerious conſideration of both Houſes are neceſſary, for the prevention of the imminent dangers: In order whereunto, their Lordſhips have reſolved to ſit *de die in diem*, forenoon and afternoon; and deſire that the Houſe of Commons would do ſo too; and when their Lordſhips ſhall have conſidered of fit and proper remedies for theſe dangers, they will be ready to communicate them to the Houſe of Commons, and will alſo take in good part whatever ſhall be communicated to them by the Houſe of Commons; and will ſuffer nothing to be wanting, on their parts, which may preſerve a good correſpondence between both Houſes, which is abſolutely neceſſary to the ſafety both of King and Kingdom."

[*Reſolved*, That this Houſe will ſit *de die in diem*, forenoon and afternoon.

Ordered, That a Committee be appointed to prepare and draw up Articles of Impeachment againſt Lord *Arundel* of *Wardour* *.]

Saturday, November 2.

Mr Secretary *Williamſon.*] Seeing you are about to name perſons in the Proclamation that you deſire the King to iſſue out, why will you not name *Conyers*, as well as *Symonds* and *Bedingfield*, to render himſelf, &c.? He is

* It appears by the Journal, that a Committee was this day appointed to enquire into the cauſes of ſome noiſes of knocking that had been heard in the night, in the *Old Palace Yard*, or thereabout, and to ſearch the houſes near the two Houſes of Parliament, and in the *Old Palace Yard*; and to examine and return in the names of ſuch Papiſts as inhabit near the two Houſes of Parliament.

in

in the front of them; the arch-conſpirator. He had the impudence to write a letter to me, and therein are his inducements to go to *Bruſſels*, (I received it in another letter that was found,) and that he is ready to render himſelf, he has ſuch a confidence in his innocence.

Mr *Bennet*.] I wonder that the Lords of the Council did not iſſue this Proclamation out ſooner.

Sir *Thomas Littleton*.] We ſhall have occaſion often to trouble the King with Meſſages, and that will loſe a day if we deliver them in a body; therefore I would have this Meſſage ſent by the Members of the Privy Council.

[An Addreſs was ordered to be preſented to his Majeſty, deſiring a Proclamation for the apprehending *Conyers*, *Symonds*, *Bedingfield*, and *Cattaway*, &c.]

The Lords, at a Conference, acquainted the Houſe of Commons, "That [this morning] they had received information, upon oath, [from the Surveyor of his Majeſty's works,] that the roof of the Houſe of Commons was ſo ruinous that any great ſtorm endangers the fall of it; [and that the Lords had reſolved to addreſs his Majeſty to give orders that the Court of Requeſts may be fitted up for this Houſe to ſit in, whilſt the roof was repaired.]

Reſolved, That an humble Addreſs be preſented to his Majeſty, [repreſenting the ruinous ſtate of the roof, &c. and deſiring] that he would appoint them ſome other convenient place to ſit in.

Sir *Thomas Littleton*.] The whole maſs of the Houſe is corrupted, *(which occaſioned ſome mirth,)* ſo that any ſtorm may endanger it. One in the ſtreet told me of a deſign to blow it up, coolly *, before any fears of the Plot, and when things went well.

On a Motion for the Speaker's going to *Newgate*, to examine Mr *Coleman*, &c.

Colonel *Birch*.] I think that ſuch an application to *Coleman* will now miſcarry, you having not yet peruſed all the Papers that may give you farther light into the Conſpiracy.

Sir *Adam Brown*.] I believe *Coleman* is ſo divided between the fears of aſſaſſination from his friends, of his

* See p. 115. Note.

party, as well as from the hand of juſtice, that, without ſome aſſurance againſt poiſon, by removal of him to another place, as well as by aſſurance of his pardon, he will ſay little elſe than he has ſaid already.

Mr Sollicitor *Winnington.*] When you have the whole Letters decyphered, you may then have the better light, and may finally do what you intend.

Sir *Richard Temple.*] This is the laſt effort you will make. After the Speaker goes, nobody, to be ſure, will go after him. Therefore I would have you defer your going till *Thurſday* morning.

Mr *Sacheverell.*] If *Coleman* hath not your interceſſion, he may poſſibly have it elſewhere; therefore I would give him ſome aſſurance of your interceſſion.

The Speaker.] All will avail you nothing, unleſs you diſpoſe his mind to make confeſſion of particular circumſtances of the Plot; it will not elſe avail a tittle—and that he have no hopes of pardon but by your interceſſion.

[*Ordered*, That Mr Speaker be deſired to repair to *Newgate*, and examine Mr *Coleman.*]

Ordered, That Mr Speaker do addreſs to his Majeſty from this Houſe, and humbly deſire his Majeſty's pardon for Mr *Coleman*, in caſe he ſhall make ſuch a full diſcovery of the Plot, now under examination, as ſhall be ſatisfactory; and [to deſire his Majeſty,] that in caſe he ſhall not make ſuch a full and ſatisfactory diſcovery, that no pardon or reprieve may be granted to him.

Monday, November 4.

The Speaker informed the Houſe, that he had, according to Order, been at *Newgate*, [accompanied with Sir *Henry Capel*, Mr *Hampden*, &c.] and had told *Coleman* as directed.

Coleman ſaid, "he thought himſelf very unfortunate that the Houſe had knowledge of enough to condemn him, and that he could ſay no more to ſave himſelf---He would be glad the Houſe would put him upon any teſt, or oath, to what he could ſay more —He was full of the politics, which were the reaſons he did what he did---He had no intention to ſubvert the Government, or to deſtroy the King's perſon, which he averred to be truth upon his damnation—As for the continuance of his Correſpondence, (he did it indeed with the Duke's knowledge, at firſt) he carried it

it on without the knowledge of any particular perſon, but as to particular circumſtances, not one man knew of it."

The Speaker then ſhowed him a letter, ſuppoſed to be written when our Forces went into *Flanders*, wherein it was ſaid, "that ſecurity was given for renewing their Correſpondence; there were new circumſtances and conſiderations, ſo there muſt be a new cypher:" To which *Coleman* ſaid, "there were two keys, an old and a new; under the old there was a daſh;" he did confeſs ſeveral parts of the cypher. He ſaid, "for carrying on this ſervice he had 4 or 5000*l.* laſt Seſſion of Parliament, and a promiſe of 2500*l.* from the *French* Ambaſſador; and a promiſe of 2500*l.* more, could he keep off the War with *France*."

Mr *Hampden*.] He ſaid, "he had received ſeveral ſums, as 300*l.* and 300*l.* whilſt the Parliament was ſitting, and with it he intended to confirm ſome, and convert others of the Parliament-men.

Sir *Henry Capel*.] As to the aſſembly of the *Jeſuits*, he confeſſed "there was an aſſembly, and no more than what was uſed to be upon chuſing officers amongſt them."

The Speaker.] He knew nothing of the *Jeſuits*, &c. but by hearſay, "that there was a chapter of the *Jeſuits*, which he was not acquainted with, but ſuppoſes it was in order to letting their land, and regulating their colleges."

Mr Secretary *Coventry*.] There was a ſummons of the *Jeſuits* to come up, &c. and the thing to be kept ſecret, and they were not to appear much about town, &c. which implies ſomething more than an ordinary chapter.

The Speaker.] Upon recollection, I ſhall acquaint you with one paſſage more. I aſked *Coleman*, "when his wife was with him?" He ſaid, "Not this week; when ſhe was here, ſhe ſat by him, and the Keeper betwixt them, and his wife was with the King, for leave to make him another viſit. The King ſaid, ſhe ſhould not, unleſs he would confeſs what he knew, &c. She ſaid, he could confeſs nothing more."

Lord *Ruſſel*.] Moved to addreſs the King, that the Duke of *York* might be removed * from the King's preſence and councils.

Mr *Booth*.] Seconded the Motion.

* In the Journal "withdraw himſelf."

Mr Secretary *Coventry*.] We ought to have no conſideration of perſons, when the King and the Government are concerned, though the thing ought to be done with all the decency that is poſſible. It might move ſome Gentlemen, methinks, as it has done me, that his Royal Highneſs has deſired the King that he may remove from his councils; therefore I hope you will not preſs that farther. Conſider the conſequence, when one Houſe addreſſes the King for one thing, and the Lords for another, and they neither are of the opinion of the King—An Addreſs is a temporary declaration, and for the preſent, and I think this Addreſs not good for the preſent—The King has ſent his Proclamation for Catholics to go out of town; why will you talk of ſending the Duke to them, when they are ſent from him? You ought to uſe a decorum, for fear precedents may be made uſe of upon light occaſions—The letters of *Coleman*'s penning tell you of "providing a place for him in *France*, &c." Conſider what it will be to ſend the Heir of the Crown to the King of *France*. I go along with Lord *Ruſſel*, that the King is not ſafe, and we ought by all ways and means to ſecure the King's perſon. Your advice is good for the King's guards to be near him; but ſhall he have them every ſtep he takes, to be weary of them? As long as it is the Catholics intereſt to plot the King's death, the *Jeſuits* will make it their conſcience. Make a Law to ſecure the King's perſon, and that will ceaſe. This is not the firſt Proclamation that has been made to ſend Catholics out of town, and yet they ſtay; there muſt be a Law to make that Proclamation good; if you come to make it penal upon the magiſtrates in the country that connive, &c. that Law may do good. The number of Juſtices and Deputy Lieutenants are of good fortunes. (*Several cried out*, "No; a great many of them are turned out.") If there be a Law to make them finable for not doing their duty, Gentlemen will think it a greater diſgrace to be finable upon Record, than to be turned out of Commiſſion. I would make a Law to ſecure the perſon of the King for the preſent, that all the King's

ſucceſſors

ſucceſſors may ſee they cannot have eſtabliſhment in Popery. When you have thus proceeded, they will ſee that no ſucceſſor can be of another religion—This will do what you intend, the Duke having made the Motion you have heard of in the Lords Houſe.

Mr *Bennet*.] I like that Law *Coventry* mentions; but till ſuch a Law be made, I am for the Motion of removing the Duke, &c. becauſe, before that Law may paſs, the influence of the Duke, being near the King, may hinder it. Do you think then that all the correſpondence *Coleman* had was not by the influence of greater perſons? Therefore I move, "That the Duke of *York* may be removed from the King's preſence and councils."

Mr Secretary *Williamſon*.] What Lord *Ruſſel* and *Bennet* have moved, has given me reaſons why thoſe Laws are not likely to paſs. I know that nothing can lie in the balance with the Government, Religion, and the King's perſon; yet this muſt bear proportionable reſpect to him who has expoſed his perſon for the honour of the nation. I confeſs, if nothing but removing the Duke would do, were he yet nearer the King, were he his ſon, I ſhould be for it—His mixing in the King's affairs with the King may give preſumption of jealouſy and ſuſpicion. The Duke, as we have been told, has prevented our aſking his being removed out of the King's Councils. The other part is, Whether his perſonal abſence will be the cure, and the only cure of our fears. It is impoſſible to put them any where, but there may be a communication by letters of ſecondary hands. To have no influence where there is tenderneſs of nature and affection, betwixt the two brothers!—This will not remedy the thing—I think nothing will provoke the Duke to a reſentment in his own perſon; but this is a cutting of him from the ſtock—This Plot, when repreſented to poſterity!—Such a villainous deſign to precipitate and haſten nature, to bring the Duke to the Crown, by murdering the King!—This is a villainy never to be forgotten—There is a time in nature when the Duke has his time to be upon the Throne, (pray God make it ſafe!) — The

fears are theſe; if poſſible, by any kind of foreſight, that when that comes, the Heir of the Crown may not diſturb Religion, or the Government; the other, to keep off violent hands that would haſten the King's death—Now it is apprehended that the removal of the Duke leaves you at full eaſe and ſecurity, that you may act for the ſafety of Religion and the King's perſon. But how far is this from helping you! I ſee it rather endangers a deſperation of that party. Though the whole party be in ſuch a deſpair, they would ſeek Hell to bring about their deſigns—Where ſhould the Duke be removed? Is not the King in leſs danger by having the Duke in his eye, when he ſees all company and addreſſes that are made to him? The Duke would not be ſuffered to attempt the leaſt hair of the King's head. No countries are to be truſted with the Duke, in this caſe, and it cuts off no poſſibility of a degree of the Duke's influence upon the King, if at a diſtance, as when he is in the ſame room. I have ſat here, with trouble for Popery, ſeveral Seſſions, but I never ſuſpected this horrible Plot, &c. and what was done at every meeting, principally aims at it—And I agree with Lord *Ruſſel*'s Motion. Humanly what you can do may come too late—But theſe will be violences that are needleſs, and let every man lay his hand upon his heart, and God direct us all!

Colonel *Birch*.] I agree, that if this Seſſion will not eſtabliſh the Proteſtant Religion, and ſecure the King's Perſon, it will never be to any purpoſe to do more. *Williamſon* tells us, "that, by reaſon of the riſing Sun, Popery comes on;" and, it may be, you may have a majority here; and, by what I heard from the two Secretaries, I think what is moved is abſolutely neceſſary. Obſerve *Coleman*'s papers, and let every man anſwer to God, and his own conſcience, whether this Motion is not neceſſary. If I was one near his Highneſs, I honour him ſo much, that I would adviſe him to retire, &c. till the nation was ſecured in their fears—As for the Laws that Secretary *Coventry* moved, we may all ſtand ſtill, and have our throats cut whilſt they are making; but till

Laws

Laws are made to begin in the next King's time, that, whoever he is, he may not be able to deſtroy the Proteſtant Religion, nor our Property, we can never be ſafe. Now whether are thoſe Laws eaſier or quicker to be done, the Duke at the King's Councils, or abſent? I would adviſe the Duke, were I near him, to abſent himſelf for ſome time, that the nation might not ſay, he hinders the making theſe Laws.

Mr Sollicitor *Winnington.*] I think we are in as great difficulty in this Debate, as ever we or our forefathers were. I ſtand obliged to the Duke above all perſons, though I have declared myſelf for the Proteſtant Religion; ſo that I am to do two things, not to ſhow ingratitude to the Duke, and yet to ſhow myſelf for the Proteſtant Religion. I find that all Gentlemen that ſpeak in this caſe are of one mind for the Proteſtant Religion; not one diviſion, nor oppoſition: We differ in mediums, but are unanimous in the end. But I confeſs the thing you are upon has not that import to do you good, as it has to do you prejudice—As to what has been moved to-day by the Honourable Lord *Ruſſel*; I believe, had he known what he did of the Duke in the Lords Houſe, the Motion had not been made; but ſeeing it is for the Proteſtant Religion, I would not have it receive a baffle. After the happy conjunction with the Lords in all things relating to the Plot, the Houſe then began to think of the obſtructions the Duke might make to their proceedings. I will not ſay that the Duke is a Papiſt, but I believe it. The Lords thought, if the Duke was removed things would go on—The Duke has complied and ſatisfied the Lords—I ſay, ſuch an Addreſs as this may occaſion a *diſſimulation*, I mean a diſſention, between the two Houſes, and it may divide us; which if ſo, I look upon the Proteſtant Religion to be gone—You make an Addreſs different from the ſenſe of the Lords Houſe: The Commons would, by this Addreſs, baniſh the Duke, one of the Houſe of Peers. It is a judgment in Law againſt him, and ſhall the King's brother be in a worſe capacity than the meaneſt ſubject? Is it imaginable that the King will

do

do it, when he has the authority of the Houſe of Lords to back him? And would you have the King put ſo ſevere a puniſhment on the Duke as the Law allows not? You cannot expect that the King will comply with it—The poſition is certainly true, if there be no Law to ſecure you proviſionally—If that be the thing we all aim at, to put it out of the power of the Papiſts to hurt Religion hereafter: But if it falls out that ſuch a Bill be ſtopped, then it is matter of fact to guide my conſcience to make this Addreſs, &c. Days and weeks may tell you, if that Bill be obſtructed, though you know not by whom, yet you may juſtly ſay the Duke obſtructs it, and then you may proceed with your Addreſs, and I ſhall change my mind.

Sir *Thomas Meres.*] This laſt diſcourſe weighs with me; the Sollicitor and I ſhall find theſe Bills, &c. obſtructed, and then we ſhall be both of a mind, that the King may be addreſſed to, to remove the Duke, &c. Have not all our Bills hitherto been obſtructed? It will be objected (he tells you) "That to take a Lord from Parliament will be a hard thing;" but if you do not a great and difficult thing, you will never ſave yourſelves—As to indifference, methinks if there be a God and Salvation among us—the Papiſts take Scripture from us; they take ſenſe from us in Tranſubſtantiation, and Communion in both kinds; Popery ſets up another government, *Imperium in Imperio*; it is againſt the intereſt of the nation; and as it is, it carries away our coin out of the Kingdom, and if it be once ſettled, much more. If the thing be tolerable, let us hear why; if intolerable, pray let us do this. We changed Religion pretty well in *Hen.* VIII's time, and *Edw.* VI. and in Queen *Mary*'s time all the Clergy turned Popiſh except about an hundred and ſixty. About forty years ago the Church was in its height; and then we had changes in the late times of rebellion, and now we have a Church of *England* again if we can keep it—We are a mutable people, and the Papiſts number is great—We ſee an Army of 20,000 men liſted in the Plot; I am really afraid then, when ſuch a day comes, that two-thirds of the

the nation will ſtand neuters, and ſo but one third part will engage for the Proteſtant Religion. They will ſave their ſtakes—After all, I end where I began. Let any Gentleman ſhow me that there will be no ſollicitations to hinder the paſſing of our Laws, and that there will not be a Proviſo put in, that the execution of it will not be worth a halfpenny; let any man ſhow me, that unleſs you do ſomething that is ſubſtantial and difficult, you do nothing —We know not what the Lords have done as to the Duke, and we cannot take notice of it—We are ſatisfied, both Lords and Commons, that there is a Plot; let us do our part. If this be not done, farewell any attempts to preſerve the Proteſtant Religion!

Mr *Finch.*] I fear the unanimity of the Lords with us will be interrupted by this Addreſs, and I cannot be for the removal of the Duke. *Meres* has told you the great truth and intereſt of the Proteſtant Religion; but thoſe topics were uſeleſs, for we all believe it, we only come to ſupport what we know—I hope and expect Gentlemen will not think my opinion is for partiality, and my reaſons are, that nothing is to be done to impeach the ſucceſſion; and if the Motion tends to that end, every man will be afraid of thoſe means. One unkindneſs begets another, and if we think this Prince not fit to be near the throne, &c. this being ſo fatal a conſequence, let us avoid this firſt ſtep—It is pretended, " that the removal of the Duke, &c. is the only means to facilitate the paſſing the Laws we ſhall make," but if by his preſence he can obſtruct thoſe Laws, how much more can he obſtruct the Addreſs! *Meres* ſays, " that not one good Law has paſſed, &c. by the Duke's influence upon the King;" but I will tell you one; the Teſt upon all that bear Office, &c. I believe the deſigns of the Papiſts, &c. and I believe they leave nothing unattempted to deſtroy the Proteſtant Religion—If the Duke's intereſt be ſo great, why ſhould you preſs the thing you may reaſonably think you cannot accompliſh? Therefore I move to lay aſide the Motion—If we can prevail with the King to paſs thoſe Laws for ſecuring Religion, we ſhall be much more able to remove the

Duke

Duke then, than now; but I hope that one grace from the King will never put us upon extorting more. One reaſon more alleged is, " the great danger of ſome immediate accident upon the King." There were more attempts upon Queen *Elizabeth*'s perſon, when *Mary* Queen of *Scots* was in priſon, than in all Queen *Elizabeth*'s time beſides. *Mendoza*, the *Spaniſh* Ambaſſador, ſet up Sir *Anthony Babington*, and when the Queen of *Scots* was taken away, all the world was againſt her at once—The Papiſts were in deſperation, and it was with them " Now or never." I fear therefore that this may haſten ſome ill accident which may befall the King. If the Duke be a Papiſt, it is the fault of our predeceſſors in 1641, who baniſhed him abroad, where he got that Religion. There was a Motion made at the Parliament at *Oxford*, that the Duke might not go to war again, and it was then thought a prejudice to his honour, and paſſed not—Some other reaſons have been ſpoken of, as " that *Coleman*'s Letters, &c. of Correſpondence, were not his alone, but influenced from ſome higher power." If ſuch perſons as *Coleman* were not about the Duke, you had never had theſe ſuſpicions; therefore I am for a Law that no Papiſt ſhould ſo much as ſpeak to the Duke, nor be near him.

Mr *Laurence Hyde.*] It is objected, " that the Laws now paſſing may not paſs, by the Duke's influence." I think I have ground to ſay, that any Laws now in agitation, or others, that may be prepared for the ſecurity of the Proteſtant Religion, will not be oppoſed by the Duke. And I think that Gentlemen may have ſo much patience as to ſee whether they will be, or not—There has been a preſumption that the Duke has been a friend to *French* Counſels. In *Coleman*'s Letters, for ſome time, the Duke has been thought no friend to them. The two ſons of the martyred King, the only ſurviving ſons, now to be torn from one another by ſuch a Parliament as this! I ſpeak for the King, and not for the Duke. Now I move againſt the Addreſs.

Sir *Thomas Meres.*] Secretary *Coventry* told you, " the Duke would not come to the Privy Council, the Parliament,

ment, nor the Admiralty." If there be a Law that Papiſts ſhall not ſit in the Lords Houſe, then there is no need of that promiſe.

Mr Secretary *Coventry*.] The Duke ſits not in the Admiralty, as Admiral of *England*, but of *Scotland*, *Ireland*, and the Plantations.

Lord *Cavendiſh*.] I fully agree that we provide for the ſafety of the King, Religion, and our Liberties, by good Laws. But it ſticks with me. I know not whether thoſe Laws will paſs, till the obſtruction be removed. The ſame reaſon I had before, that the Duke is the obſtruction, &c. will make me think ſo ſtill, and take away all encouragements from our enemies, and therefore I am againſt the continuance of a ſtanding Army; for it is eaſier with it, than without it, to change the Government. I have an extreme veneration for the Duke, for I think the Duke had not the leaſt hand in the Plot. I think his loyalty to his brother is without example; but his being next of Blood to the ſucceſſion of the Crown, and what encouragement that may give the Papiſts, to take away the King. I have heard the word "decorum" mentioned in this Debate. I have heard no crime mentioned againſt the Duke: What is before us, is, in prudence, what we ſhall do in this caſe. If I had the honour to be near the Duke, I would adviſe him to withdraw—It has been ſaid, "that the Duke has declared, in the Lords Houſe, that he will do it." But we cannot take notice of what is ſaid in the Lords Houſe. Since we have been making Laws againſt Popery, the Duke has ſtill been in the Councils. It is ſaid, "the Duke may ſtill influence the King by letters;" but ſurely not ſo eaſily as by his preſence. I think we cannot anſwer our duty to the King, nor our country, if we do not addreſs, "That the Duke may be removed from the King." As to the place and diſtance, I leave it to thoſe that can better propoſe.

Sir *Robert Carr*.] I would take time to conſider this great matter. The great argument for removal of the Duke, is your apprehenſion that he may prevent Laws againſt Popery in the Lords Houſe, and your Bill

you

you have lately ſent up, which Bill ſhows you cannot remove the Duke but by Law, and I fear this will weaken your Addreſs, &c. Gentlemen, therefore, I am ſure, will be much better ſatisfied to do it by Law, which we are about, than by Addreſs.

Sir *Robert Sawyer*.] For the Duke to depart from that Religion his Father ſigned with his blood!—I can aſſign no other cauſe for this diſmal attempt that has been diſcovered, but the hopes the Papiſts have of the Duke's Religion—The preſervation of the preſent Prince, and the eſtabliſhment of the Government, is the great conſideration; and I never knew it denied by the ſupreme Council; but certainly we are to deal with a great Prince, and therefore we are to make as wiſe ſteps, as may be, in it. The effect of my Motion is this; the encouragement the Recuſants have taken, from his Royal Highneſs's change of his Religion, has been the cauſe of theſe helliſh attempts againſt the King, the Government, and Religion. When that is deſtroyed, you will ſee another kind of Government. I would therefore have an Addreſs to the King, to acquaint him, "That, his Royal Brother being a Papiſt, is the cauſe of all this confidence in the Papiſts, and that the King be humbly deſired to prevail with his Brother to declare, in open Parliament, whether he be a Papiſt, or not." If the Duke be a real Proteſtant, he will declare himſelf by the Bill you have ſent up, for preventing Popiſh Lords to ſit in that Houſe, and for thoſe Laws you ſhall ſend up for ſuppreſſion of Popery—The great thing we are to do, is to ſecure the King, Religion, and Government.

Sir *Nicholas Carew*.] I fully concur with *Sawyer*, at the beginning of his ſpeech, "That the opinion the Papiſts have of his Royal Highneſs coming to the Crown, is the cauſe of all their inſolencies;" and that is the reaſon why I would have this Addreſs, &c. made now, that his Royal Highneſs, by his preſence, may not hinder the Laws againſt Popery, you are about now; for hereafter, all the Laws you can make will be to little purpoſe. When the Papiſts ſee they have ſuch advocates

cates for them, what will they not attempt? Sink under this Addreſs, and farewell all; the ſafety of the King's Perſon, our Religion, and Government!

Mr *Waller*.] I think Gentlemen ſpeak their hearts in this Debate. I think him a Papiſt in his heart, that gives an Aye, or a No, in this matter, that has not the thoughts in him of preſervation of the King's Perſon, Religion, and Government. The Duke not only was abroad in the Proteſtant Religion, but his Father was of it too. I have ſtudied the Proteſtant Religion, and I believe that *Chriſt* founded the Religion we profeſs, at his firſt coming into the world; and I hope *Chriſt* will find it here at his ſecond coming—*Coleman*, in one of his letters about calling a new Parliament, ſays, "then the Law will be on our ſide, &c." Are we not all ſworn to the King's Supremacy? In Queen *Mary*'s time, the people were not ſworn to the King's Supremacy; and it was then as much the fault of the people as of the Queen. I hope there is no ſuch inclination in the people to Popery now, as ſhe found then. The King giving away his Supremacy, is a kind of depoſing himſelf. (I will not diſpute with the Lawyers about the King's power in depoſing himſelf.) [The Emperor] *Charles* the fifth did it. To think the King can bring in a Supreme above himſelf, though the Crown is *Patrimonium*, yet there is no ſuch power of alienation in the King. It cannot be that our Supremacy can be given to another. The King has no ſuch patrimonial right; he cannot buy, and ſell, and give away his ſubjects; but God forbid that we ſhould have a hand in depoſing the King! and he cannot depoſe himſelf. But to the thing in hand, "Whether an Addreſs ſhall be made to the King, to remove the Duke from his Councils." There is a great line of love between the two Brothers; if the Duke go away, love will go afar off. The Queen of *Scots* was near of kin to Queen *Elizabeth*; ſhe was not ſuffered to come to Court, and it had been impoſſible that ſo many Plots could have been againſt the Queen, if ſhe had been at Court. Amongſt the *Romans*, *Galba*, *Vitellius*, and *Veſpaſian*,

paſian came in from abroad—I would let this Debate alone—There may be more danger in removing the Duke, than in letting him alone—Some of the Brothers of *France* went away in diſcontent to *Bruſſels*, and they ſaid then, "that *Bruſſels* did breed the children of *France*;" but they were all glad in *France* when they came back again. *Abſalom* aſked his father leave to go out of his Court, and you know what followed. At Court the Duke will keep none but good company, abroad Catholics—I would pauſe upon this Motion. I am not ſatisfied whether to give my Aye, or No, to this Queſtion, yet; therefore I move that you would conſider of it.

Mr *Harwood.*] He that moves to defer this Queſtion one minute longer, I believe him to be an enemy to his King and Country.

The Speaker *interrupted him, and ſaid,*] Such concluſions as theſe are uncharitable, and wonderfully unparliamentary.

Mr *Harwood goes on.*] The weight of the thing has ſo tranſported me, that I hope Gentlemen, not of my opinion, will pardon me. I reſpect the Duke as Duke; but as he is a Papiſt, let every man lay his hand upon his heart, whether his being a Papiſt has not given encouragement to the Plot, &c. The Duke has houſes in the country, and loves fox-hunting; I would have him retire to ſome of them, to be out of the influence of theſe damned *Jeſuits*. I am his friend, and out of good intention I would have him out of occaſion of doing ill; and pray put the Queſtion for the Addreſs, &c.

Sir *Thomas Clarges.*] I take this to be the greateſt Debate that ever was in Parliament. Here is on the one ſide our Religion and Liberties concerned; and the Duke on the other. But I believe this had never been, if the Duke had not been a Papiſt. He is a good, wiſe, and virtuous Prince, but that which grieves me is, that his goodneſs is made uſe of by the Papiſts, &c. When that unhappy ſtroke is ſtruck, that the Papiſts intended, he is King; and are not we all concerned to prevent that ſtroke? We

ſee that the Proteſtant Religion has been attempted for ſome years. Addreſs upon Addreſs has been made againſt Popery and the *French* intereſt; and the Duke had engaged for the *French* intereſt againſt *Holland* and the *Netherlands*; one the bulwark of our Religion, the other of our ſafety from the *French* greatneſs; and it is but eight months ago (as appears by *Coleman*'s letters) that the Duke's eyes have been opened; but the Duke's locks are cut by the Papiſts. One great Plot has taken; the Duke is turned Papiſt. The King is King, and the Duke is but a ſubject, and I would have the Duke ſtay his time to come to the Succeſſion. Act after Act has been made to ſecure Religion, and this Act, now ſent up to the Lords, the Duke may hinder—The two Brothers have parted formerly; one was at *York*, the other at *Saliſbury*, in the plague-time; and, God be thanked! they came together again—I am told of five or ſix and thirty Papiſts, the other night, in the Withdrawing-room; and this ſtill will be more if not prevented—I ſee ſeveral of the Houſe that eat the King's bread, that are his ſervants; I hope they will be for the preſervation of the King's Perſon; for ſo long as the Duke is about the Court, Papiſts will flock thither; therefore pray put the Queſtion for the Addreſs.

Sir *John Ernly*.] As *Coleman*'s Papers tell you of the Duke's complyance to diſſolve the Parliament, ſo they tell you of money that has been given for that purpoſe. I would know to whom this money has been paid? I hope all *Coleman*'s Papers are not evidence, though Mr *Oates* is, who cleared the Duke in the matter of the Plot. As to liberty of Conſcience, you know who are for that. He that is above water will hold him down that is under. The Duke's hand and ſeal have been counterfeited. Conſider what you do. If you turn the Duke thus away, you put him at the head of 20,000 men, and then it will be much more in his power to do you hurt—The Addreſs may be granted, or refuſed; if granted, yet there may be correſpondence betwixt ſuch relations; and, if not granted, poſſibly you will be diſcontented. Therefore you

know not what this day's Debate may produce in the Duke, by a voluntary removal of himſelf from the King. Therefore I would conſider longer of the matter.

Sir *George Downing.*] You begin with puniſhment, before examination. Do not do that to the King's Brother, which you would not have done to another. We once named a great perſon here, to be removed from the King, &c. and no crime was aſſigned againſt him—Another time there was a crime named, and no perſon, and you had effect accordingly in thoſe Addreſſes—Theſe wicked men in the Plot will expoſe themſelves to your juſtice, and you may meet with them; but, at this time, lay by this Addreſs, that will touch the Lords too near.

Serjeant *Maynard.*] Two things are propounded; ſequeſtration of the Duke from the King's Council, and ſequeſtration of him from the King's Perſon. He has of himſelf abſtained from being Admiral of *England*, and exerciſes that office as to the Plantations only; and he has promiſed in the Lords Houſe to abſent himſelf from the King's Councils. I ſhould be loth, after ſuch a concurrence amongſt ourſelves and the Lords, to give any occaſion of diſcord betwixt the Lords and us. Suppoſe you vote to ſequeſter the Duke from the King's Perſon; this Addreſs, as it is no Law, works nothing. You make no confinement of him by ſequeſtration from the King's Perſon. But I would not loſe all this Debate. The Duke has promiſed he will retire, &c. He may diſpenſe with that promiſe; the Vote of ſequeſtration, &c. may do you hurt—The Addreſs, &c. is not puniſhment for a crime—The Addreſs is a prudent caution, and, I fear, if made, and not granted, this will diſcourage people abroad in this way of proceeding. I think verily, the great encouragement of the Papiſts is from the Duke. The Council of *Lateran*, and four or five Councils agree, "that killing of Kings that are heretics, is meritorious." I will not go far into that matter; but in caſe there ſhould be a diviſion between the two Houſes upon this, it will put a great diſcouragement upon people as to the proſecution of the Plot, and in their fears

of

of Popery. But as for ſequeſtration from the Council, the Duke has done that; and for the other, of ſequeſtering him from the King's preſence, I would put that off to *Thurſday*. In the civil wars of *France* there was the Dutcheſs of *Montpenſier* and the Queen-mother; two ſorts of Papiſts; one bigots, whom nothing would ſerve but killing the King. The Queen-mother joined with the Duke of *Guiſe* only as to the maſſacre of the Proteſtants, but not as to the killing of the King. The Queen-mother joined in that of aſſaſſinating the Proteſtants, but never apprehended that killing the King would be the end —I leave you to make the obſervation from it.

Sir *Philip Warwick.*] I believe Popery is a confederacy againſt God, and againſt the kingdom. It has been mentioned again and again. Then, when Appeals ſhall be made to *Rome*, in eccleſiaſtical matters, from *England*, the King of *England* will be no more King—It is ſo plain a way for this Houſe to keep the power of your Religion ſo in your power, that the Duke ſhall ſee the tenderneſs you have to him, by the principles of your Religion, in your proceedings and manner of dealing, that, in ſome meaſure, this may divert him from his—You have a double aſpect in this—I believe, if this horrid Plot had come to effect, it might have converted the Duke to our Religion. He is our King in preſumptive ſucceſſion, and let us uſe him like ſuch a one—I hope our opinion in it will be for the honour of the Houſe.

Sir *Henry Capel.*] The Duke has made the advance to the Parliament by his behaviour, in informing the Lords he will retire, &c. Let us not caſt him out of our arms. It is entirely neceſſary that we be unanimous. If we once divide, we give him all the advantage againſt us imaginable. I have great reſpect for his perſon. His father, with my father *, ſuffered in the Rebellion; but if I cannot ſeparate my intereſt from his perſon, I muſt divide from him. We all agree as to making ſuch Laws, that, ſhould the Duke be King, it might not be in his power to prejudice the Proteſtant Religion. I move,

* Lord *Capel.*

therefore, not to loſe the fruit of this Debate; and as you have been told, he has removed himſelf from the King's Councils, you may agree to that; and as for removing him from the King's Perſon, adjourn that Debate to another time.

Colonel *Titus.*] There are ways to make things look tragical. We are told of "tearing the Duke from the King;" but that is not the Queſtion, but "Whether the Duke ſhall withdraw from the King's Perſon, for ſome time, till ſome Laws are paſſed, which we fear he may obſtruct." If I ſuſpected that my father would ſet my houſe on fire, I would take the brand out of his hand, but I would not cut his throat; and if he, that is at the helm, would run the ſhip upon a rock, I would take him from it. But he that thinks there is no reaſon for this Debate, apprehends no danger of Popery. I would not have the Houſe divided upon this Queſtion. I ſee no extraordinary reaſon to paſs the Queſtion now. You may ſee, in a few days, what effect the King's Proclamation will have, for baniſhing Papiſts out of town, and you may adjourn the Debate for ſome time.

Mr *Sacheverell.*] In the firſt place I lay it down, that it was no way in my thoughts to go upon this Motion now; but ſeeing it is ſtarted, I will ſay ſomething to it. If this be ſo tender a matter, I wonder, now the ſafety of the kingdom is in danger, we ſhould put it off for two or three days—I have read a little in the Law, but I would have the Gentlemen of the Long Robe tell me, whether any degree or quality whatſoever, of any ſubject, can patronize any correſpondence with the King's enemies? or whether the King and the Parliament may not diſpoſe of the Succeſſion of the Crown? and whether it be not *Præmunire* to ſay the contrary? Let them reſolve this queſtion, Whether there has not been a male-management? If not in the King's miniſters for ſome years paſt, let them name the perſons who have had the influence over affairs. But as to the point of the Addreſs, I am not ſatisfied whether it be our intereſt; but if it be, I will go higher and higher. All I hear to-day,

to-day, has been arguments of kindred and relation; but if any man can ſay, that neither the Duke, nor any of the Miniſters, have hindered all our Proceedings againſt Popery, &c. and tell us who it is, I ſhall be ſatisfied without making this Addreſs.

Mr *Pepys*, of *Cambridge*.] You have Religion, the Government, and the Life of the King, on the one ſide; and a Compliment to a great Perſon on the other. I ſhould be loth to be in the black catalogue of them that are fearful they ſhall not enter into the kingdom of Heaven. *(Then he tells the fable of the mice putting the bell about the cat's neck.)* Wherefore is a prize put into the hands of fools, when they know not how to uſe it?—Will you have it ſaid abroad, that the Houſe of Commons is afraid to put this Addreſs to the Queſtion, which if you carry not, you will hazard our Prince's life and ſafety, and all you have? Therefore put the Queſtion, as it was firſt moved this morning; and I doubt not but all good Proteſtants, and good Chriſtians, will be for it.

The Debate was adjourned to *Friday*.

[*Nov.* 5. Gunpowder-treaſon. The Dean of *Canterbury*, Dr *Tillotſon*, preached before the Houſe.]

Wedneſday, November 6.

Debate upon printing Mr *Coleman's* three Letters. Mr *Sacheverell* moved it.

Sir *Thomas Littleton*.] As to what is objected, "that this will be publiſhing the King's evidence," Mr *Coleman* hears that all his Letters are ſeized, and we find him ſo perfect in his Letters, that he knows them better than any man can tell him; and it is giving him no advantage in publiſhing the King's evidence.

Colonel *Titus*.] Did Sir *Edmundbury Godfrey* murder himſelf, as the Papiſts would have it? Mr *Oates* was once thought an ingenuous man; and now he is called an aſs and a knave. It is moſt requiſite theſe Letters ſhould be printed, to convince the world that ſuch tranſactions have been.

Sir *John Ernly*.] If I knew any perſons that are not ſatisfied that there was a Plot, I would be for printing the Letters. The Papiſts will never be ſatisfied that there was a Gunpowder-treaſon; nor will printing theſe Letters convince them there was a Plot. I think you can give no more ſatisfaction to the Proteſtants than they have already; and the Papiſts will not be ſatisfied by printing them—Therefore I am againſt it.

Mr *Powle*.] I have obſerved, that theſe deſigns of theſe Plotters have ſcarce been believed here, for ſome years. The Examinations and Confeſſions relating to the fifth of *November* were all made public, and why ſhould not theſe?

Mr Secretary *Williamſon*.] All that was done in printing the Conſpiracy, &c. of the fifth of *November*, could not ſtop the mouths of people from doubting it. What you have done, is upon your Books. As to the three Letters, there they are, but I think it not ſeaſonable they ſhould be printed. It looks not grave nor decent to print them before *Coleman*'s tryal; and then there will be a Narrative drawn carefully, to inform the world of all the circumſtances. And ſince nothing can be loſt by putting it off, and farther matter may be had, &c. I would have it remain in your power to print them, when it ſhall be more ſeaſonable.

Sir *Robert Carr*.] Some expreſſions in theſe Letters ſeem to be harſh, with ſome reflections upon the King, which will not do ſo well; and if it were but for that reaſon only, I would not have them printed.

Sir *Thomas Clarges*.] I remember no ſuch expreſſions in the Letters. But when there has been ſo horrid a Plot made out upon oath, and it is yet in conſpiracy upon the ſame thing; and when all the Papiſts are ſo active to ſtifle this Plot, is it not requiſite that ſomething ſhould be abroad in the nation, to lay open this villainy, to confirm Proteſtants? Was not the treaſon of one man, Dr *Lopez*, againſt Queen *Elizabeth*, publiſhed? Our Votes tell the world no particulars of the Plot. Theſe Letters will

will ſhow all, and confirm the world—Therefore I am for the Addreſs, &c. for printing, &c.

Colonel *Titus.*] I deſire that both the Votes of the Houſe, and the Reaſons of thoſe Votes, may be printed, which are the Letters; and then all the matter will be clear.

Mr Secretary *Coventry.*] If a Narrative of the Plot be drawn out of thoſe Letters and other Papers, &c. and is in time to be printed, I wonder that at the ſame time you will print the Accuſations of the Parliament in thoſe Letters, without the defence. Will you print thoſe Letters, and nothing in them appear of murdering the King's perſon? Will you therefore lay a plaiſter where there is no ſore, and leave the ſore raw? Do you ſee any thing in the Letters of raiſing an Army, or the Conſpiracy of the King's death? To print theſe Letters will be but a half thing; and therefore I am againſt it.

Sir *Thomas Higgins.*] To what laughter will you expoſe the Houſe, that by theſe Letters, this Houſe ſhould be accuſed to be ſuch a proſtitute body, as to take money for their Votes? I am againſt it.

Mr *Sacheverell.*] I am not for printing the Votes, &c. unleſs we print ſomething elſe. I would aſk both the Secretaries, whether it was not the opinion of both Houſes, that there ſhould be a War with *France*; and that the Army ſhould be diſbanded? And in the country they believed that neither would be, and it is plain that neither is done—I am for printing, &c.

Sir *John Coventry.*] If theſe Letters cannot be printed, let us have a Bill to bring in Popery, to make our conditions as well as we can in time. I think whoever is againſt printing, &c. has either taken money for his Vote, or is popiſhly affected.

Ordered, That an [humble] Addreſs be preſented to his Majeſty for leave to print three of Mr *Coleman*'s Letters *, and that the concurrence of the Lords be deſired; and a Committee was named to draw up the Addreſs.

* Two to M. *Le Chaiſe*, and his Anſwer, which ſee in the Journal of *October* 31.

Mr *Palmes.*] The reflections upon the King, in the Letters, are by the Papiſts; and the ſame are from them upon us. I hope the printing theſe Letters will make the breach wider.

Sir *John Birkenhead.*] I move that all the means poſſible may be uſed to make Mr *Coleman* confeſs what Members have received the King of *France*'s money.

Sir *Thomas Mompeſſon.*] I move that a Teſt may be upon the Members, whether they have received any of this money.

Sir *Nicholas Carew.*] I would examine likewiſe, whether they have received any money from the Lord Treaſurer.

Sir *Thomas Clarges.*] *Coleman* ſaid, "He would clearly anſwer you any queſtions." If you pleaſe that ſome of your Members may aſk him, he would give you the clearer anſwer. He ſaid, "he would tell you clearly." As to the Lord Treaſurer giving bribes to Members, that may be enquired into another time.

Mr *Hampden.*] To the beſt of my remembrance, *Coleman* made great proteſtations that he knew no more, but he told you of three and four hundred pounds given the laſt Seſſion, and 2500*l.* He knew there was ſomething done by the *Spaniſh* Ambaſſador and the Confederates on the other ſide alſo—He ſaid it careleſsly.

The Speaker.] *Coleman* ſaid, "that he actually received 2500*l.* and a promiſe of 2500*l.* more, if he could carry the point to carry off the War."

Sir *Thomas Meres.*] All *Coleman*'s Letters ſay the ſame thing of money not to engage againſt *France.* If you could make that diſcovery, you would do the beſt thing in the world to mend us here. I have obſerved there have been faults here for ſome years. Pray ſend to find it out.

Sir *Henry Capel.*] When it comes to this, that Members will be taking money for their Votes, perhaps they may do it for an Army, perhaps for Popery. They that do it in one thing will do it in more, and every thing.

Colonel

Colonel *Birch.*] You may leave it to the wiſdom of the perſons that go to *Coleman* to make interrogatories in general, but in particular as to the 100,000 crowns mentioned in his Letters.

The Speaker.] Likewiſe as to the money he ſpoke of for ſolliciting the Bankers buſineſs.

The ſame Gentlemen who accompanied the Speaker to Mr *Coleman*, &c. were ordered again to aſk him, "how he diſpoſed of the 2500 *l.* and any other ſums paid to him by the *Spaniſh* and *French* Ambaſſadors, and to whom?"

Colonel *Titus.*] I have ſomething in my hand fit to be communicated to you. It is the *London Gazette* tranſlated into *French*, wherein there is a wonderful willing miſtake. In the *Engliſh Gazette* it is, "that the Papiſts are commanded out of town, for their horrid deſigns againſt his Majeſty, and the Government, and Religion." And yet in the *French Gazette* it is nothing, but "for not conforming to the Proteſtant Religion." I would know who tranſlates the *Gazette*, and by whoſe authority it is printed?

Sir *Thomas Clarges.*] It is publiſhed by Privilege, and printed by one of the King's Printers. It is very well worth your enquiry who gives authority to this.

Colonel *Birch.*] I believe that the hand of *Joab* is in this matter—For this is to ſet all Princes in Chriſtendom on perſecuting the Proteſtant Religion, if it be avowed by authority that we baniſh the Papiſts for Religion only.

Mr Secretary *Williamſon.*] This Tranſlator has been employed theſe ſixteen years by Authority, and the King's Printer does it by Patent. You may ſend for him if you pleaſe.

Sir *Thomas Mompeſſon.*] This Plot is not ſet out in the *Gazette*; but for ſome Proteſtants that aſſaulted a Convent, we heard of it for ten *Gazettes* following.

Mr Secretary *Coventry.*] My collegue and I have authority to correct *Gazettes* upon complaint made, but I hope that you think not that we are *Gazetteers.*

The Printer and Tranſlator were ſent for by Order.

Mr

Mr *Powle.*] If your apprehenſion of the Plot grows leſs, I fear your zeal in proſecuting it will grow leſs—Therefore I would have all the material Letters brought before you, that you may come to ſome reſult upon the whole; and I hope all men will ſpeak their thoughts, without fear or flattery. I hope thoſe Gentlemen near the King will come inſtructed to help us; and as this Plot has come in by the connivance of the Government, ſo I hope ſomething will be done for the care of the Government, and that they will come prepared by to-morrow, by which time we ſhall have ſeen all the Papers.

Mr *Hampden* and Mr *Boſcawen* moved, that what *Coleman* ſays to the Committee, &c. the Committee may be inſtructed to take under his own hand.

Sir *Thomas Meres.*] If they write it, and *Coleman* conſent to it, it is as fair as if he wrote it.

Mr *Sacheverell.*] I wonder we have no more light. The Papers we have had, have been drawn from the Gentlemen that kept them. I would be anſwered to this: *Coleman* has had ſeveral Packets directed to him, ſince he was in cuſtody; and *Coleman*'s are not the only Papers that will inform us, but there have been ſeveral *Jeſuits* letters to *Coleman*. I believe the Clerks of the Council have more Letters; and I would know, by the Officers of the Poſt-houſe, how theſe Letters came to *Coleman*'s hand. I believe you will find many more Letters, and I am not ſure whether they did not come from *St. Germain.*

Mr Secretary *Coventry.*] There are other Letters. Several were under other names; and no man can ſay whom they were really ſent to.

Mr *Sacheverell.*] I believe there are ſuch Packets, and I believe it will be made out, that they have been concealed from us.

Mr Secretary *Williamſon.*] It muſt lie upon the Clerks of the Council, if all the Letters are not brought you. This I recollect, that, before the King went to *Newmarket*, the Duke brought ſome to the King, which the King read, and ſent the reſt to the Council. But in thoſe Letters there was nothing of *Coleman.* Such as I read,

read, were from mothers to daughters in nunneries, and ſuch like matter. They were all ſent to the Lords of the Council, and the Clerks have them. I agree, that now all is at ſtake, you ſhould have nothing with-holden from you.

Colonel *Birch.*] *Sacheverell* ties himſelf to a time. Not "all the Letters ſince the Plot was diſcovered" only. I deſire a catalogue of all Packets, under the Clerks of the Council's hand, of all the Letters not yet come before you, and now in their keeping.

Mr Secretary *Williamſon.*] I need no conjuration of future fears to tell you more. I have told you all I know, and I did it with the earlieſt; but the great work is to contribute a remedy. I beſeech you, that none that have the honour to ſerve the King may have theſe conjurations and exorciſms, to make farther diſcovery of what they know not.

Mr Secretary *Coventry.*] I have concealed nothing, and I believe I have done as much as moſt men towards diſcovery. I know that I have not heard of any freſh Letters.

Thurſday, November 7.

The Speaker, *on Mr* Palmes's *Complaint of a Breach of Privilege*, ſaid,] You cannot hinder judgment after a tryal, but you may ſummon the parties and forbid them proceeding in general during Privilege, if judgment be not already entered.

The perſon was ſent for, but not in Cuſtody. *See the Journal.*

Sir *Henry Capel* reports, That, according to Order, he had been at *Newgate*, with Mr *Hampden*, Mr *Boſcawen*, &c. The Keeper was not there; ſo they went again at four of the clock, and examined Mr *Coleman*, according to the Debate yeſterday. Firſt, about receiving money from foreign Miniſters, he ſays, "that he received from Monſieur *Rouvigny* 300*l.* from Monſieur *Courtin* * 360*l.* for intelligence of every day's proceedings in Parliament. They encouraged him to keep a good table both in and out of Parliament-time too, to keep up perſons to the intereſt of their maſter. Monſieur *Barillon* * entruſted him with 2500*l.* to diſtribute amongſt Members of the Houſe of Com-

* Ambaſſadors of *France* here after *Rouvigny*.

mons,

mons, to prevent a rupture with *France*; and accordingly he prepared ſome Guineas, but he gave none to any Members. He ſaid, he excuſed it to his own conſcience, becauſe he was out of purſe as much on the *French* account, in his way of living. The *French* Ambaſſador demanded an account from him of the money; he told him, he diſtributed it to ſeveral Members, but deſired to be excuſed from telling their names. *Barillon* propounded to him to name ſome he had promiſed; he told *Barillon* he had given the money and promiſed the reſt, which lay heavy upon his conſcience (he ſaid) becauſe he had given none."

The Order does not warrant the Committee to report hearſays from *Coleman*; and therefore they would rather run the hazard of your diſpleaſure, than report names, to offer that to the prejudice of any Member.

He ſaid, "he received 360*l.* more for intelligence." We aſked him, whether he received any money from the *Spaniſh* Agents, and what made the *French* Agents ſo buſy?" He ſaid, "ſeeing the Parliament was againſt the *French*, this money was to get ſome Parliament-men over, and prevent others from going from the *French* intereſt. As for the 100,000 Crowns, he thinks he might treat with Monſ. *St Germain*, to prevent a rupture with *France*, but he received not that money." But I believe, in that he is faulty, for by the Letters Sir *John Knight* reported, of 1677, he did correſpond with *St Germain* about it.

We aſked him, "Whether he entered his foreign Letters in a book?" He ſaid, "he entered only common news; and none till he correſponded with *Le Chaiſe*;" but his man ſaid, "they entered thoſe of 1677 and 1678." As to getting the Bankers Caſe conſidered in Parliament, he confeſſes, he enterprized that buſineſs, both for their Patent from the King, and an Act of Parliament, and he was to receive 30,000*l.* for it, the one half at the paſſing the Patent, and the other when the Act was paſſed; but this was reduced to 7000*l.* in ſilver, and the reſt in Guineas, by moieties of 5000*l.* The contract was only verbal, nothing under hand. [Sir *Robert*] *Vyner*, [Mr] *Whitehall*, and [Alderman] *Backwell* engaged for the money."

Sir *Nicholas Carew*.] This money had an influence over our Councils, as well as the Privy Council, for this Act of Parliament and Patent for the Bankers money—I deſire no Members may frequent Tables, and in particular Sir *John Copleſton*'s.

The Speaker.] You will do well to revive an old Law, that men live not above their Eſtates.

Sir

Sir *John Ernly.*] As for this money of the *French* Ambaſſador's, diſpoſed of by *Coleman*, it may be ill to have Gentlemens names publiſhed, and they innocent. I believe *Coleman* has dealt ill with you in this, and I would have him re-examined.

Mr *Boſcawen.*] Our enquiry was, what money was paid by *Coleman?* I think it would be ill for your Committee to tell you names, unleſs you command it; and worſe for you to command it from your Committee. *See the printed Journal.*

Mr *Powle* reports the Addreſs, &c. for printing *Coleman*'s Letters to this effect, *viz.* "That ſince, notwithſtanding the King's clemency, &c. the Papiſts do carry on their deſigns againſt the King, Religion, and Government, &c. we conceive it the beſt way to ſatisfy the minds of your Majeſty's ſubjects, to cauſe ſome undeniable evidence of this Plot to be made public, to convince, &c. Therefore we deſire that Mr *Coleman*'s Letter to Father *Le Chaiſe*, of the 29th of *September*, 1675, and Mr *Coleman*'s following Letter, acknowledging the ſending the ſame Letter; and *Le Chaiſe*'s Letter, mentioning the receipt of Mr *Coleman*'s ſaid Letter, may be printed and publiſhed, and that a full Narrative of the Plot may be ſet out in print."

Newcombe, the Printer, at the Bar.

The Speaker.] There has been a great, and ſuppoſed wilful miſtake, in the tranſlation of the *Gazette* into *French*, viz. "that the Papiſts, *refuſans de ſe conformer a la Religion Anglicane*, "refuſing to conform themſelves to the Religion of *England*," &c. are commanded to go out of town," without mentioning the preſent Plot, &c. to be the occaſion, as is in the King's Proclamation recited, &c. You are ſent for, to know how this has been foiſted in different from the Proclamation.

The Printer anſwered,] I do not underſtand *French*, but as the *French* copy is brought to me, I print it; and Monſ. *Moranville*, the Tranſlator, takes it, and if he tranſlates it not right, he is to blame.

Monſ. Moranville, *the Tranſlator.*] I have been deputed to tranſlate the *Gazette* theſe twelve years by Mr *Newcombe*, and this is an omiſſion by inadvertency. *Being aſked the Queſtion,* I was born a *Roman* Catholic, and I am ſo ſtill. *They withdrew.*

The

The Speaker.] This makes a preſumption amongſt ſtrangers, that perſons may be under perſecution here for Religion only. I hope the Houſe of Commons will take occaſion to tranſlate you ſomewhere elſe where you deſerve.

Sir *Nicholas Carew.*] The *Frenchman* ſaid, "*Newcombe* employed him to tranſlate, &c." It is an aſperſion upon *Newcombe*, and I would have *Newcombe* righted.

Mr Secretary *Williamſon.*] The truth is, ſince the time that the King thought fit the *Gazette* ſhould be publiſhed in *French*, the authority has not been properly and ſingly in the Printer, but in the King. This *Frenchman* was in the calamity of Monſ. *Fouquet*. He was a conſiderable man then—He was at ſea with Prince *Rupert*—He took compaſſion on him, and recommended him for this employment. When we had war with *France*, this man was ſuſpected to hold correſpondence with the *French*, and was turned out, and taken in again by the interceſſion of Prince *Rupert*. The man is a ſtranger to me, and when I came to be Secretary, he was found there Tranſlator by me and left ſo, and he has no more relation to my buſineſs than my Hatter or Glover. You muſt take care that the next *Gazette*-day the miſtake be rectified.

Sir *Thomas Clarges.*] I would know, whether this *Gazette* being printed with Privilege implies Licence? And nothing can be printed by Law, without Licence, for there lies the offence.

Mr Secretary *Williamſon.*] The *Gazette* is matter of ſtate, and ſo falls under that notion in the power of the two Secretaries—One *Yard* writes the *Gazette*. Not that every *Gazette* is licenſed every week. The man that has the care of it has been frequently taxed for indiſcretions, as giving notice when fleets of Merchants go out in time of War; and it is our duty to correct the perſon when he is faulty.

Colonel *Titus.*] If Papiſts have the writing of our hiſtory, we are likely to have a very incomparable one; it is our Privilege, and I would know who does this. If I was a *Jeſuit* myſelf, I ſhould think I had done as miſchievous a thing to the Proteſtant Religion as I could imagine

imagine—I would know the Licenſer of this *Gazette*.

Mr Secretary *Williamſon*.] One part of this is for the Secretaries to anſwer, the other for the Tranſlator; and they muſt anſwer it accordingly.

Colonel *Birch*.] I will make a few obſervations upon what has been ſaid. I have told you "that the hand of *Joab* was in this matter," as now in this very employ of this Tranſlator; there was great jealouſy formerly that he held correſpondence with the *French* King, and he was put out of his place, and put in again by the King. Still here is the old reſort to the King; as if he was put in again becauſe he held correſpondence with the *French* King. Many a Proteſtant (and poor ones too) might have had this employ, and this man has, as much as in him lies, put all Popiſh Princes upon executing fire and faggot upon all the Proteſtants in *Chriſtendom*.

Mr *Williams*.] Here is a *Gazette* publiſhed by the authority of *England* againſt *England*. The Law of *England* is, *reſpondeat ſuperior*: It reflects upon the whole Proteſtant Religion, and all *England*. Let it be anſwered by thoſe that authorize him—Sure the King's authority is abuſed—I would have you examine thoroughly.

Mr Secretary *Williamſon*.] No man in particular is truſted with this matter.

Colonel *Titus*.] I obſerve that we are in extraordinary ſecurity ſure, when a *Frenchman*, and a Papiſt, has the penning the *Gazette*.

Sir *John Coventry*.] If the Secretaries are ſo buſy that they cannot look after the *Gazettes*, &c. they ſhould have aſſiſtance; but I have ſeen very little fruit of their buſineſs yet.

Mr Secretary *Coventry*.] No Secretary can ſay that no man under him ſhall commit a fault; and I hope that they under us ſhall anſwer for their own faults. If for thirteen years together, he has been Tranſlator, and done it well, we are not to blame for employing him; he may be now guilty of a fault, and puniſh him for it.

Sir *John Coventry*.] I aſk that honourable perſon's pardon. I intended no reflection upon him, but on the other

Secretary.

Secretary. Moſt of the Houſe know our relation, and that we live well together.

The Speaker.] This has not fallen out by chance, but maliciouſly. I remember him at ſea, when he was under Prince *Rupert*. I believe him to have accomplices, and I would have ſome Gentlemen withdraw to examine him.

Sir *Thomas Clarges*.] The riſe of this man's preferment was ſerving well with Prince *Rupert* at ſea, thirteen years ſince; ſince which, things have been changed; but I ſee all is ſtill laid upon the King. I would have him called in, to know who authorized him under his hand to tranſlate the *Gazette*, and by what countenance he did it?

Mr Secretary *Coventry*.] He cannot commit adultery and not commit adultery; there may be an omiſſion of one word by chance, but this is the change of the whole diſcourſe in the Proclamation—Pray examine him farther.

Mr *Williams*.] *Reſpondeat ſuperior*. If one of the Chancellor of the Exchequer's officers kills a man, he is not to anſwer for it; but what relates to his office he muſt anſwer for, be the fault through ignorance, or wilfulneſs. I would have it examined, whether any profit comes to any perſon, or is accruing to this perſon, by writing the *Gazette?* Then, whether it is one or more that has the profit? If it be found that they have benefit by it, let them alſo anſwer this offence. The Printer only prints what is brought him. Pray examine theſe things.

The Printer and the Tranſlator were called in, and confronted.

The Speaker.] It ſeems to be hard upon the Printer. What authority had you, *Newcombe*, to print the *French Gazette?*

Newcombe.] I have done it theſe thirteen years. It firſt began in Lord *Arlington*'s time, and has continued ſo ever ſince. The *Frenchman* did not uſe to bring it to me to print; a boy brought it.

The Speaker.] Suppoſe he had brought Treaſon to you to print, are you excuſable? Think you that the intereſt of *England* is ſo little worth, as for you to print you know not what?

Newcombe.] I humbly beg pardon of the Houſe. I underſtand not the *French* tongue. This week there were printed about five hundred of them, the uſual number, and no more.

The

The Speaker.] If another perſon had brought you the *French Gazette*, would you have printed it?

Newcombe.] No.

The Speaker.] What authority did he bring you at firſt for printing it?

Newcombe.] It began to be printed in Lord *Arlington*'s time, and the *Frenchman* can give you a better account of it than I can —I had authority to do it, it coming from a public office.

The Speaker.] How came you to this office of tranſlating, &c.?

Monſieur *Moranville.*] In the time of the War, I was at ſea with the Duke of *Albemarle* and Prince *Rupert*, and I had the tranſlating the *Gazette* given me for a reward; and Prince *Rupert* recommended me to Lord *Arlington.*

The Speaker.] But afterwards you fell under a ſuſpicion of holding correſpondence with the *French.*

Moranville.] During that time I never was ſuſpended from my place. I have 20*s.* a week from Mr *Newcombe* for tranſlating, &c.

The Speaker.] The Printer then employs this man. By what Order do you do it?

Newcombe.] I have it by Order from Lord *Arlington.* There is an advantage to them that write the *Gazette.* Mr *Yard* is the man. I have ſometimes paid him, and ſometimes not, 15*l.* a quarter, 60 or 100*l.* a year.

The Speaker.] If the *Frenchman* will take the wilful omiſſion in the *Gazette*, he may have the reward to himſelf.

They withdrew.

Mr Secretary *Coventry.*] This man has no authority nor countenance to do any thing but tranſlate. He tells you he had tranſlated the Proclamation, which he had no authority to do.

Mr *Sacheverell.*] He tranſlates it well in the former *Gazette*, but in this he wilfully makes miſtakes. I would have the world know that the King and Parliament are both of a mind in the Addreſs and Proclamation.

Mr Sollicitor *Winnington.*] If the Printer muſt give credit to what the Tranſlator brings him, then he is not reſponſible for it—"*Reſpondeat ſuperior*" is not in criminal matters. I take it to be in civil only. If he will tell you

who put him upon this wilful miſtake in the Tranſlation, it is more for your ſervice than puniſhing him in the Pillory for it.

Mr *Williams.*] I aſk that learned Gentleman, If a perſon have a keeper of the records for him, and that a record be embezzled, whether the ſuperior is not to anſwer for it?

Mr Sollicitor *Winnington.*] If the maſter of the office have Clerks that do ſo, as that by the loſs or embezzlement of a record he forfeit his office, then *reſpondeat ſuperior*; but I think that learned Gentleman may remember, that where the ſtatute puts the ſole confidence in another man, he muſt anſwer it; as in the caſe of an eſcape, in the ſheriff, who muſt anſwer it, not the jailor, there it muſt go; but where the matter is capital, he muſt not anſwer it.

Mr *Williams.*] If the under-officer do an offence, which is capital, as razing of a record, this is matter of truſt. The ſuperior forfeits his office for the offence, but is not hanged; but the inferior officer that razes the record ſhall be hanged for it.

One ſaid,] He would not have this matter referred to a Committee to examine, for thoſe of the Tranſlator's religion will ſay nothing. If you aſk them what colour their hand is of, they will not tell you.

Ordered, That a Committee examine and ſtate the matter, in order to an impeachment of the Tranſlator, &c.

Sir *Francis Drake,*] Moved that it might be particularly recommended to the Committee, for the Secretaries to inſert the miſtakes of the Tranſlator into the next *Gazette.*

It was moved, that an Order be made, to ſearch the Tranſlator's houſe for Papers; to which

The Speaker ſaid,] The Houſe had no authority to make any ſuch Order; it is for a Juſtice of Peace only to do it.

Colonel *Birch.*] I did ſee one Order, ſince we met, to ſearch houſes, and may we not ſearch this man's pockets and houſe too? I would have the Secretaries of State take care that the miſtake in the next *Gazette* be rectified, &c.*

* It appears by the printed Journal, that M. *Maranville* was committed to the cuſtody of the Serjeant at Arms, who being alſo ordered to ſearch him, found upon him ſeveral Papers in *French*, which were referred to a Committee; and that a Committee was alſo appointed to ſearch his houſe or lodgings.

Sir

Sir *John Knight* reports five Letters to *Bennifield* at *Windſor*, from *Fenwick*, *Whitebread*, *Fogarty*, and *Ireland*, concerning aſſaſſinating the King. Sir *John Nicholas* delivered them him, who ſaid, "he had them from Sir *Philip Floyd* this morning."

Sir *Robert Southwell.*] As ſoon as they came to *Bennifield*'s hands, he brought them to the Duke of *York*. The Letters were ſomething myſterious, and the Duke brought them to the King; and by theſe ſteps they came to the Lords of the Council.

Mr *Sacheverell.*] I am glad the Letters are come, let them come by what hand they pleaſe. I would know whether theſe Letters were not brought in after the accuſation of *Bennifield* by Mr *Oates?*

Sir *Robert Southwell.*] One ſeems to be ſingle; and three were incloſed to *Bennifield*. I ſuppoſe all of them were received by *Bennifield*. But as to *Sacheverell*'s queſtion, I ſuppoſe there was fifteen days difference in the time. We have gone with all the care in the world, to collect hands to compare the Letters with. We have of *Ireland*'s hand, *Bennifield*'s, *Fogarty*'s, *Whitebread*'s, and *Blundell*'s hand; and, in *Fenwick*'s bag, ſome of Mr *Oates*'s hand.

Colonel *Birch.*] I would know whether this was one of the packets that were ſeized at *Windſor*, or whether they were others?

Sir *Robert Southwell.*] I ſaw all the packets that Dr *Tongue* had informed us of. I ſaw one to the Treaſurer, of *Sept.* 3. which informed his Lordſhip, that one to *Bennifield* might be intercepted. He came on purpoſe to *Windſor*, where he found the Letters delivered out of the Poſt-office, and handed about.

Serjeant *Gregory.*] *Oates* diſcovered the matter, and handed it to the King, by my Lord Treaſurer, the 13th of *Auguſt*. This was above a fortnight before that packet came to *Windſor*, and this notice was ſent to the Lord Treaſurer at *Rycotte*.

The Speaker.] Be pleaſed to give me leave to tell you the ſtate of the matter, and what I know of it. Dr *Tongue*'s information was referred, by the King, to the

Lord Treaſurer, who having had ſeveral conferences with Dr *Tongue*, who informed him, "that the matter was carried on by correſpondence of letters from the conſpirators, ſo it would be a great matter if thoſe Letters were intercepted," ſaid the Treaſurer, "Is it not poſſible to intercept thoſe Letters?" *Tongue* thought that might be eaſy, but till he had diſcourſe with Mr *Oates* about it, he could not be poſitive. Mr *Oates* told *Tongue*, it might be eaſy, and where he might intercept them. In five or ſix days the Treaſurer heard nothing from *Tongue*; who being at *Rycotte*, *Tongue* ſent him word, there were packets gone to *Windſor*, from *Ireland*, *Fenwick*, &c. But *Tongue*'s letter lay ſome time at *Windſor*, ſo that *Bennifield* received the Letters, and brought them to the Duke, who ſaid, "he knew the names of the ſubſcribers, but knew nothing of the contrivance, and he looked upon it as a trick." The Duke carried the Letters to the King.

Mr *Sacheverell.*] I deſire to know, whether *Bennifield* was acquainted with theſe hands that wrote the Letters, as he ſays, he is not? And I would know, why my Lord Treaſurer went out of town, and left nobody to negotiate with *Tongue?* You have forgot that part of the narrative.

The Letters were thus reported. The effect of them.

Whitebread's Letter, *Aug.* 29. "Make the Lord *Brunall* [ſuppoſed *Brudenell*] acquainted with our deſigns, if you think it convenient, &c." Indorſed, "*For Mr* Bennifield, *at* Windſor."—The next Letter was ſubſcribed, "*Nicholas Blundell.*" "*Ireland* is in an excellent poſture; *Harcourt* and *Jenniſon* have notice, and ſo has *Kenes*. If the buſineſs hit not at *Windſor*, to attend 48 at *Newmarket*; if it hit right, we may uſe our Religion more publicly, and have more ſtrings to our bow."—Another to Mr *Bennifield*, ſigned, "*Fenwick*, *Aug.* 26." "*Ireland* will ſtand; his Grace of *Dublin* is well; *Ormond* would fain be friends with the Catholics; 48 prepared for it; in *Dublin* they are kind to us in diſpatching 48." Signed, "*John Fenwick.*"—Another *Aug.* 1, 78. ſubſcribed "*Ireland.*" "Expect the progreſs of the buſineſs of 48." Another not ſuperſcribed: It begins, "Mr *Bennifield*, his Grace is in good health; *Ormond* is as much out with the Proteſtants as with the Catholics; he has granted

ed them Commiſſions, but that will not do the buſineſs." Signed "*Fogarty.*"

Sir *Thomas Doleman.*] Mr *Oates* ſaw but one line of theſe Letters, and he told us preſently whoſe hands they were.

Mr *Sacheverell.*] Two things in theſe Letters give us great light. I take notice that all of them were delivered out at a time; and yet they were dated from places at ſeveral diſtances. That perſon in the cypher, if named, would give much light.

Mr Secretary *Williamſon.*] *Salvetti*, the *Florentine* Ambaſſador, has been under ſuſpicion for giving covert to Letters, when the *Dutch* War was. He has not, in ſome years, applied himſelf to the King, under any public character. It is he whom complaint was made of, that, ſome days before Sir *Edmundbury Godfrey*'s body was found, he ſpoke of the manner of his wounds.

Sir *Gilbert Talbot.*] *Salvetti* was at the door to-day, and was ready to be forth-coming. He ſtands not upon any character of Ambaſſador, or Envoy. Sir *Barnard Gaſcoigne* undertakes for him to appear *.

Friday, November 8.

Mr Sollicitor *Winnington* reports the Addreſs, &c. for a Proclamation to be iſſued for apprehending *Bedingfield*, *Cattaway*, *Conyers*, and other Prieſts, &c. and for the Lords Lieutenants and Deputies to diſarm ſuch as refuſe the Oaths of Allegiance and Supremacy, &c.

Ordered, That enquiry be made of the Clerk of the Crown, what Juſtices have been put in and out of Commiſſion of the Peace, for ſeven years laſt paſt.

Sir *John Coventry.*] We talk here of Popery, and the Heir of the Crown protects Papiſts. I move for the Buſineſs of the Day, about removing the Duke from the King's Preſence and Councils. There are Papiſts now walking about the Court of Requeſts.

Mr Secretary *Coventry.*] I know not what that Gentleman would have. There is all the care taken imagina-

* There is no mention of the above Debate, or Letters, in the Journal of this Day.

ble to clear the Court of Papiſts, night and day, by the Council. One man drops a letter in an entry at *Whitehall* as a Papiſt, another as a Proteſtant, and takes liberty to impute any crimes to any man or woman whatſoever. I know not what can be more done than is done already, &c.

Mr Secretary *Williamſon.*] When it ſhall pleaſe God (as in the courſe of Nature) that we loſe the King, you may be fortified with ſuch Laws as may be for yours and his ſafety.—The King, I may ſay, will ſay ſomething to you of this nature to-morrow.

Sir *Thomas Meres.*] I think thoſe Papiſts walking in the Hall is a contempt of the King's Proclamation. It is no great matter for them to go ten miles out of town. If you do not ſomething immediately, you will ſhow remiſſneſs. Suppoſe the caſe had not been a Papiſt, but a Fanatic; he would have been otherwiſe uſed. This ought, this very hour, to be puniſhed, or we cannot ſit here with honour or ſafety.

Sir *William Hickman.*] If the Papiſts intend miſchief, they will ſtrike preſently; therefore, as *Meres* has moved, I would not be baffled in the Proclamation, but take preſent remedy to ſecure yourſelves from theſe mens attempts. You cannot elſe be ſafe.

Sir *Robert Sawyer.*] They muſt be Popiſh Recuſants by Law; but though the Proclamation be not Law, yet the conſtant ancient uſe of it has made it Law. This Proclamation is by the advice of Lords and Commons, and I would have them that contemn it, be remarkably puniſhed for their contempt. Though going armed in time of Parliament has no written Law againſt it, yet it is Uſage of Parliament that they are puniſhed that go armed.

Sir *Robert Southwell.*] I think it my duty to inform the Houſe, that I ſuppoſe Colonel *Macarty* is in town. He married Lord *Strafford*'s ſiſter, who is a Proteſtant. He has left his command in *France*, and came over in obedience to the King's Proclamation. Upon his Petition to have liberty to ſtay in town, he was called in to the Committee of the Council, where he ſwore "he had a

law-ſuit

law-ſuit to attend in town, and he ſhould ſuffer much by it if he were abſent."

Sir *John Holman.*] I cannot ſpeak of my own knowlege, but I am credibly informed there are forty Papiſts in the Court of Requeſts.

Sir *John Ernly.*] *Macarty* is a *Roman* Catholic, and I do believe that the Lords of the Council have given ſome diſpenſations or permiſſions to ſtay. But for thirty or forty Catholics to be in the Court of Requeſts!—Send for them, to know how they dare to contemn your Authority.

Colonel *Titus.*] I was up even now in the Lords Lobby. I ſaw *Macarty* there, and I believe the greateſt part of the Lobby were Papiſts; and this is their obedience to the Proclamation. In the Court, and *St James*'s Park, there were not three people formerly but I knew them, unleſs citizens, and now not three people I do know. They ſpeak *Iriſh* and *French*. I would have you ſend the Serjeant to apprehend theſe people.

Colonel *Macarty* was brought to the Bar.

The Speaker.] The Houſe, having a tender regard to the diſturbance of the public Peace, hath deſired his Majeſty to iſſue out his Proclamation, commanding all Papiſts to depart out of town, &c. in a time limited, &c. and finding you yet remain in town, contrary to the Proclamation, under the character of a Papiſt, have cauſed you to be apprehended, &c. and brought before them.

Colonel *Macarty.*] I did not ſtay in town out of contempt to the King's Proclamation. Having ſerved the King, &c. I preſumed to petition the King, that I hoped I might be one exempted; and gave a reaſon for it in my Petition. I was told, "that inaſmuch as I had intimation I might ſtay in town till my Petition was anſwered, I did not go." As ſoon as I had information that I was named here,—I confeſs it was an indiſcretion in me to come to *Weſtminſter*; but I came only to ſpend my time, not knowing what to do elſe. I will ever carry myſelf with all ſubmiſſion to this Houſe.

Mr Secretary *Coventry.*] Six Privy Counſellors may grant a man licence to ſtay. It is hard a man ſhould go

away, till he knows whether he has licence, or not, to ſtay, till he might have permiſſion.

Sir *Charles Harbord.*] His behaviour here, and ſubmiſſion, has been what becomes him, and you may give him a reaſonable time to obtain licence.

Sir *Henry Capel.*] He has acknowledged his fault, but he tells you that his ſtay depended upon his Petition. I would have that Petition ſpeedily anſwered. I would have him called in, and let the Speaker give him ſome admonition of the Proclamation.

Sir *Thomas Meres.*] There may be ſome ill inference made by the Lords of the Council, from your cool management of this matter, and they will diſpenſe with the more Papiſts.

Sir *Thomas Lee.*] He told you "he had intimation of what you were about." Though Gentlemen called "the door, the door," though people went not out, yet what you were doing went out to him. This makes me ſuſpect, what Mr *Coleman* ſaid, of the corrupting your Members, to be true. I do believe the Papiſts expect ſome mitigation of the Proclamation.

Sir *Thomas Littleton.*] A Law-ſuit is a pretty reaſonable excuſe to ſtay, &c. but not at this time. Every body has more or leſs of Law-occaſions. Upon Affidavit that a man is gone out of town upon the Proclamation, if he be defendant, the Court will not proceed; and as for plaintiffs, they may ſtay till the next Term, and it is no great prejudice to them to be gone.

Sir *Robert Sawyer.*] The ſafety of the kingdom is of much more value than any man's private intereſt. I would have him called in, and warned of the Proclamation.

Colonel *Titus.*] I would have no excuſes nor prefaces made to him, but plainly tell him, you expect his obedience to the Proclamation.

Sir *Gilbert Gerrard.*] You cannot let him know leſs than "that he has committed a crime to be here after the Proclamation, and that you expect his obedience to it." I would have ſomething done, by way of Conference,

ence, with the Lords. There are abundance of Papiſts now in arms, and we are in great danger of them.

Sir *Thomas Clarges.*] I would not, for *Macarty*'s own ſake, take notice of his obedience to the King's Proclamation, as is moved, in coming out of the *French* King's ſervice, becauſe he ſtayed there contrary to three Proclamations.

Macarty was called in.

The Speaker.] The Houſe has conſidered your diſcreet and ſubmiſſive anſwer; and though it would better have become you to have given obedience to the Proclamation, yet the Houſe diſcharges you, and expects you ſhould immediately give obedience to the King's Proclamation.

He withdrew.

Sir *Thomas Clarges.*] You have been informed, that eighty Papiſts, under one officer, in one company, are going into *Ireland*, &c.

Mr Secretary *Williamſon.*] Amongſt Mr *Langhorn*'s Papers, there is a Deed concerning Lady *Elizabeth Delaval*; ſhe deſires ſhe may have it.

Sir *Thomas Lee.*] I would have it delivered back to the King, to do what he pleaſes in it.

Sir *John Trevor.*] It may be, ſhe may demand a Deed which belongs not to her, and poſſeſs herſelf of it to another man's wrong.

Mr *Sacheverell.*] I would have great care taken what you do in this point. Perhaps the Deed is to make out a title. I would rather have a liſt of what Deeds ſhe wants, brought in, that none may have prejudice.

Mr *Powle.*] All want this Deed, to conſummate an agreement in the Family. I am a truſtee for her. She has applied to the King, and the King has ſent her hither.

The Speaker.] You know not how this Deed came into Mr *Langhorn*'s hands; and you ought not to diſpoſe of any man's evidence,

Colonel *Birch.*] In two or three days the Committee will have diſpatched *Langhorn*'s ſtudy, and that time can do

do no great prejudice to the parties to ſtay, and you may remit it till then *.

Mr *Hampden* informed the Houſe, that Mr *Ayliffe* could give the Houſe an account about the eighty ſoldiers, Papiſts, in one company, going into *Ireland:*

The Speaker *ſaying*, Who is it? *The Clerk replied*, " That it is Mr *Ayliffe*, who put the ſabot, (in which there were Beads and a Croſs, and upon it written, *Utrum horum?*) under the Chair, ſome years ſince, and that he was mad."

Mr *Boſcawen.*] Moved that the Clerk might be called to the Bar, for reflecting upon a Gentleman that came to give the Houſe Information.

Sir *Thomas Lee.*] I fear he that comes to you with Information, will, with ſome, go for a madman.

Sir *Robert Sawyer.*] It ſeems, what the Clerk ſaid was but an anſwer to the Speaker's queſtion, and but a diſtinction, " that it was that Mr *Ayliffe* that put the ſabot under the Speaker's Chair." He might do then an indiſcreet thing, but now he comes as evidence, you muſt not put diſcouragement upon him.

Mr Secretary *Coventry.*] Mr *Ayliffe* had his pardon for that very thing of the ſabot.

Sir *Nicholas Carew.*] The Prophets of old were called " madmen;" he may be ſtyled " a Prophet;" for what he laid under your Chair was very near coming to paſs.

Sir *Thomas Meres.*] Mr *Ayliffe* is a man of ſenſe, and one that points directly at what he intends. You will find him a man of good ſenſe.

Sir *Thomas Lee, upon Ayliffe's going away.*] No wonder when you talked of the ſabot, that *Ayliffe* went away, nor when you talked of the Proclamation, that the Papiſts went away *.

Complaint was made of a defect of the Prayers, ordered for the Faſt, they making no mention of Popery, nor of the Plot.

Colonel *Birch.*] It is ſtrange that we ſhould have Prayers made, and not one word in them of the Papiſts, nor the Plot named. I would compare whether the book of Prayers be according to your Addreſs.

* There is no mention of theſe Debates in the Journal.

Sir

Sir *Thomas Meres.*] I fear the words were ſo feeble in that Addreſs, that they may doubt whether there be a Plot; but ſince the matter has been ſo clear, and no mention made, in the Prayers, of Popery or a Plot, I would have them mended, and referred to a Committee, to addreſs the King for it.

Sir *Thomas Clarges.*] If the Addreſs was cold, I fear the Proclamation for the Faſt was cold too. I thought that my Lords the Biſhops would have prayed for the preſervation of the King's perſon from the Plot, &c. but I fear they look too much for a riſing Sun of another nature. They are rather for *Latin* Prayers than *Engliſh*. If this form of Prayer muſt be, to diſcourage the people, I would rather have the Faſt let alone.

Mr Secretary *Williamſon.*] Reflections now are not well upon that body of men (the Biſhops) that are to ſupport the Religion we now contend for.

Colonel *Titus.*] They muſt not give occaſion, and then there will be no reflection upon them; but as the book is penned, it is as if they were afraid to own the Plot. The *Antinomians* are of opinion "that God ſees no ſins in his ſervants;" I fear ſome ſee no fault in the Papiſts. I remember I heard a Sermon at *Whitehall* the 5th of *November*, and there was not a word in it of the Gunpowder Treaſon, or any thing proper for the 5th of *November*, but it was full of Invectives againſt Fanatics, more proper for the 30th of *January*.

Sir *John Birkenhead.*] That book for the Faſt was made adequate to that of the Gunpowder-Treaſon. Now to pronounce thus upon a book, that does not give you a narrative of the Plot, is ſtrange—Pray let the Committee ſee the book.

Sir *Thomas Lee.*] I would have ſome Prayers added to the book. They may be time enough done for *London*, and poſſibly in letters may be ſent down into the country. There may be miſtakes in Prayers, as well as there was lately in the *Gazette*. Some Clergy took notice of the omiſſion in the country, and it became a country-wonder; which wonder may be taken off in ſome meaſure. If ſome Pray-

er

er be added, it will ſhow ſomething to the world to ſpur up belief of this Plot.

It was referred to a Committee to prepare an Addreſs to the King, that ſome Prayer or Prayers [for the Cities of *London* and *Weſtminſter*] may be added to the Service-book for the Faſt.

Saturday, November 9.

The King, in a Speech to both Houſes, "gave them Thanks for their [great and extraordinary] care for the preſervation of his Perſon and Government," and aſſured them, "that he would be ready to give his conſent to ſuch reaſonable Bills as ſhould be preſented, to make them ſafe in the Reign of any Succeſſor, ſo as they tend not to impeach the right of Succeſſion, nor the Deſcent of the Crown in the true Line; and ſo as they reſtrain not his Power, nor the juſt Rights of any Proteſtant Succeſſor, &c."

[Debate.]

Mr *Sacheverell.*] I deſire to know whether the conditions in the King's Speech are not to tie our hands ſo faſt, that we can do nothing for the King's ſafety, or the Proteſtant Religion. I think it not a home, full, and effectual Security, but ſuch an one as may deceive both the King and his people. I am one of thoſe of opinion not to accept of a rattle, to keep us quiet. If we may not make our own Securities, I had rather lay the whole thing upon the King, and leave it to the King, forhim to ſecure it which way he pleaſe.

Mr Secretary *Coventry.*] The King will conſent "to any reaſonable way of Security of the Proteſtant Religion in the reign of any Succeſſor;" but you would not have him conſent to all things that are in his power: That were to give up his Royal Power.

Mr *Sacheverell.*] I will tell you one point in the King's Speech, and ſee if all the Houſe can anſwer me. It is put into the King's Speech, "that, if we infringe not the Rights of a Proteſtant Succeſſor, we ſhall have Laws to make us ſafe, &c." If we have no Security that the Succeſſor ſhall be a Proteſtant, you ſit down, and can do nothing effectually.

Mr Secretary *Coventry.*] If it be as that Gentleman ſays, there needs no Bill at all for Security of the Proteſtant

teſtant Religion, for the Bill muſt run, "every King hereafter, not doing thus and thus, ſhall not ſucceed."

Mr *Sacheverell.*] If any King does not perform the conditions of the Bill, ſhall any ſubject reſiſt that King? I would know that.

The Speaker.] If you will ſet a time when, or enter now upon the Bill, you may; but this way of Debate is irregular. The firſt thing you are to do, is to ſet a time to conſider of the King's Speech.

Mr *Sacheverell.*] I moved not particulars, I avoided it.

Colonel *Birch.*] I ſuppoſe it is agreed, "that Thanks ſhall be returned to his Majeſty, for the gracious Expreſſions in his Speech." Till ſomething of this be done, neither his Majeſty's life, nor we, can be ſafe. I would not delay one hour, to conſider this matter, though to-morrow be *Sunday*, and a day for another purpoſe. This buſineſs will not keep. The better day, the better deed. You cannot delay this.

Sir *John Ernly.*] I ſpeak only as to conſidering this to-morrow. To-day, before to-morrow, is not ſoon enough, and I am for to-morrow.

Mr Secretary *Williamſon.*] If you conſider the weight of the thing, it is as great a matter as ever came before us. It is neceſſary we ſhould be all clear in our minds, and of the King's mind alſo. The King's heartwas never more open than in this buſineſs. He ſays, "to you it is left entirely to make what ſecurity you pleaſe." I think there is no effect for preſſing it to-morrow, and let this have the preference on *Monday*.

Sir *Thomas Clarges.*] I hear our Bill for excluding Members of both Houſes that refuſe the Oaths, &c. and the Teſt, is in a fair progreſs in the Lords Houſe, and I hope we ſhall addreſs the King to paſs that Bill, and then we ſhall have the more unanimity—I would proceed now in the Letters, &c. and I would be glad to ſee public juſtice done on offenders; and then we ſhall go on chearfully.

Sir *Richard Temple.*] I am glad there is farther diſcovery of Letters, ready. We have a double aſpect, to be ſafe in Religion, &c. for the preſent, and for the future.

I would

I would go on with the Letters now, and on *Monday* with remedies for our ſafety for the preſent. Let us not call for more evidence of the Plot—We have enough before us, at preſent, to convince and awaken us. The King has told you what he will do, but not what he will not do.

Colonel *Titus.*] Information we have enough already, and if we think not ourſelves in as bad a condition as may be, then we may ſeek for farther information. If we ſtay for more, it will do us no good, and we may ſtay ſo long that the matter may be paſt remedy. Other letters beget no more belief than we have already—The King intends all he ſays in his Speech, but his Speech naturally leads you to what you fear for the future.

Sir *Thomas Lee.*] I did not hear the Order of Thanks read for the King's Speech. I hope you intend it not general, but with reſtrictions, viz. " for the gracious Expreſſions in his Speech." Now there are twenty three companies, and all Popiſh Officers—Therefore I would have a ſhort day ſet to ſhow the King, that it is impoſſible we ſhould have any Security ſo long as ſuch Officers are in being.

Ordered, That the King's Speech be taken into conſideration on *Monday*; and that Thanks be returned to his Majeſty for the gracious Expreſſions in his Speech.

Mr Secretary *Williamſon.*] The King is ſenſible of the defect in the Prayers, and has ordered my Lord of *Canterbury* to attend him about it. This I am ordered from the King to let you know.

Sir *Richard Everard.*] I have ſearched for, and have found, a perſon mentioned in Mr *Coleman*'s Letters. I found, in his chamber, a great number of Papers. He took no notice of the Proclamation, and ſtaid in town. He is one Monſ. *Tortereaux.* I would have your direction what I ſhall do with his Papers. I have ſet a good guard upon him for the preſent. He has the gout, and is full of pain.

Mr Secretary *Coventry.*] He was never under the notion of a Prieſt. He is an old man, and very infirm.

Mr

Mr *Henry Seymour.*] He was Carver to the Queen-mother. He married Lady *Molyneux*. He has not brains enough to be a plotter.

Sir *Nicholas Carew.*] I ſee theſe people have advocates; but that he has ſtayed after the Proclamation is plain; therefore I would have the Oaths tendered him.

Colonel *Birch.*] I wonder this ſhould be an argument for his ſtay. We know, by experience, that men may have the gout, and yet their tongues and heads be well enough. (Carew *had the gout at that time.)* If you break rules, your Proclamation will be worth nothing—Is this a time to excuſe Papiſts, and talk of "Carvers to the Queen-mother?" Let him take the Oaths, or go to jail.

Sir *Thomas Lee.*] I would know, whether he is in the long roll of thoſe licenſed by the Council.

Sir *Henry Capel.*] A Member yeſterday (Mr *Hampden)* offered to ſerve you, and before Mr *Ayliffe* could be called in, your Clerk reflected upon him, &c. and he went away. We ought now to ſpare nobody *. *Everard* has informed you about *Tortereaux*. He is a Juſtice of the Peace. Pray let him go to jail, if he take not the Oaths, &c.

Sir *John Ernly.*] Proceed with every man alike, and when his Papers are inſpected, proceed with him.

Sir *Thomas Clarges.*] I hear that Juſtices of the Peace are limited to the Oaths, &c. in their Commiſſions, as to houſholders and foreigners. By the Statute of King *James* all are to take the Oaths—I hear that the Commiſſions to give the Oaths are limited and qualified; and then the Juſtices have no power to give them.

Sir *William Hickman.*] If there be theſe doings already, what ſhall we come to hereafter? Therefore I would have ſome Gentlemen inſpect the Commiſſions.

The Speaker.] The matter before you is the information of Sir *Richard Everard.* You cannot proceed in a thing where matter of Law may do. That is without end—Refer the Papers to what Committee you pleaſe—If you

* See p. 170.

would

would have the Commiſſion brought hither, you ſuſpend all execution of it for the preſent.

He was anſwered,] That the Clerk of the Crown may immediately bring the Commiſſions hither for you to inſpect them; and no delay may be in the execution of it.

Which was ordered accordingly.

Colonel *Birch.*] I am now for loſing no time. I would not ſit looking on one another, now we are come to great things—The moſt material Letters may be reported.

Mr *Sacheverell.*] I would have two Letters reported, one from the Cardinal of *Norfolk*, how the Pope directs matters for Religion; the other from Sir *William Throgmorton*, concerning the Duke's aſſiſting the matter in promotion of the Catholic Religion.

The Speaker reads the Letters, to the following effect: "His Majeſty of *France* will ſhow that he will take his Highneſs's part —This Parliament is not profitable for the King of *France*, nor for his Royal Highneſs, and ſo it is put on by my Lord *Arlington* —If the Ambaſſador *Rouvigny* be not to his Highneſs's liking, the King of *France* will ſend over what other perſon he would have —If the Duke could carry on a diſſolution of the Parliament, to do it upon any terms——But if the Duke cannot do it under 200,000*l.* take care to let us have it—You cannot imagine how the King is deſpiſed, and if the Duke ſhould be ſo too, the diſeaſe is epidemical---The Archbiſhop of *Dublin* is the lyingeſt rogue in the world, and has done us no good---We are rejoiced to hear of the diſſolving of the Parliament—Nothing will ſettle things more laſtingly, than making the Duke's and the King of *France*'s intereſt one—The Duke may have great advantage by joining with the *French* King—Money is a cunning ſophiſter---You know thoſe whom Money has power of, are the ſcum of the Family, who ſay one thing to-day, and act the contrary to-morrow, as *Rouvigny*'s predeceſſor, [*Courtin,*] knew to his coſt *."

Mr Secretary *Williamſon.*] Mr *Bedlow* lodged at my houſe the other night, but I thought myſelf not anſwerable for ſo great a ſtake. Now he lodges at *Whitehall*, and I ſuppoſe he is attending at the Lords.

Ordered, That Mr *Bedlow* attend here at four of the clock this afternoon, andthat Mr Vice-chamberlain bring him with a guard.

* This Letter is not inſerted in the Journal.

In

In the Afternoon.

The Clerk of the Crown brought the Commiſſions, &c. for giving the Oaths of Allegiance, Supremacy, &c. and ſaid, "that a preparatory form of the Commiſſion was brought by Mr Attorney General to my Lord Chancellor; it remains with Mr *Harris*; it could not be ſealed, but muſt be altered."

The Speaker.] There has been formerly a *Dedimus poteſtatem*, where divers Members have been Commiſſioners to give the Oaths; and no Catholics were convicted.

Sir *Thomas Lee.*] I would humbly repreſent it to the King, that the obſtruction is from the Lords of the Council, that this Commiſſion is not iſſued out; and the miſcarriage ariſes from thence.

Serjeant *Rigby.*] I would enquire where this ſtop is, for if inferior people may make theſe ſtoppages, we are not and cannot be ſafe.

Colonel *Birch.*] I would be glad to ſee what this Commiſſion is, that muſt be thus altered. This muſt be of vaſt weight, that muſt hinder this ſeal from paſſing, and thereby keep ſo many Catholics in town againſt the Proclamation.

Mr *Sacheverell.*] I do believe that there is ſome Command that ſuperſedes the King's Command. I would know, whether ever Mr *Harris* read this Commiſſion, or no.

Clerk of the Crown.] I tendered the Ingroſſment to Mr *Harris*, which I brought to the Chancellor. One comes, who read ſome of it; the Chancellor ſaid, "the form muſt be altered." I tendered it on *Thurſday* morning.

Sir *Thomas Meres.*] It is ſtrange that an Addreſs of both Houſes cannot procure a thing ſo ordinary as this Commiſſion. The Papiſts ſay, "that all inferior perſons are out of their wits;" and they will ſay, "inferior Clerks are out of their wits, that take falſe Examinations and Informations." Your ſending for *Macarty* did you more good than the Proclamation, though you diſmiſſed him civilly. Send for *Harris*, and him next

to him, and find this neglect out, and ſtand not upon formalities.

Mr *Sacheverell.*] I would not go this way of ſending for the Chancellor's ſervants, to prevent a breach with the Lords; but I would go up to the Houſe of Peers, and charge the Chancellor with this preſently, that he may give an account of this to the Peers.

Sir *Thomas Littleton.*] You may do it at a Conference, to inform the Lords of this miſcarriage preſently.

The Commiſſion was read.

Mr *Powle.*] The King is graciouſly pleaſed to tell you, "that he will conſent to Laws for your preſervation in a future Succeſſion;" but it will be to no purpoſe to make new Laws, if the old ones are not executed. There is a defect ſomewhere near the Government, that all along diſcourages the execution of them—This Houſe muſt take care of the execution of Laws, as well as making them. It may be imputed to us abroad, that the half ways we have taken in theſe things, occaſion this, the Lords, and we, and the King having applied remedies. Let us repreſent it to the Lords at a Conference, that there is a non-execution of the Proclamation, of the King's Commands and Laws, and deſire remedies from their Lordſhips.

Sir *Edward Dering.*] I know that the Chancellor is a good Proteſtant—The Commiſſion was not right, and the Lord Chancellor would have it mended—Pray ſtay your farther proceedings till *Monday*, and have a true narrative of the fact; and then you may proceed as you pleaſe.

Colonel *Titus.*] If this *Dedimus poteſtatem*, that the Attorney General brought to the Chancellor, be againſt Law, let him be puniſhed for doing it againſt Law. What we do out of complaiſance and civility, is accounted abroad meanneſs and poorneſs. If the Lord Chancellor has no better teſtimony of his care of the Proteſtant Religion, than he has given in this, it is very ſlender, and ſignifies little. I would have a Conference with the Lords upon this, as is moved.

Serjeant

Serjeant *Maynard.*] All we have is at ſtake; and if the Chancellor, or who he will, be to blame, I will not ſpeak for him, if the honour of this Houſe is concerned, but I will ſpeak for it. But ſuppoſe you go and charge the Chancellor with this, and there is no ſuch thing. Enquire into the whole matter; ſend for *Harris*; leſt you have no proof of the thing, and then turn your backs. You have not yet that proof before you, as to maintain it at the Conference; and it will not be for your honour.

Mr *Powle.*] That which I deſign to ſpeak to, is this: Serjeant *Maynard* is miſtaken. This is no direct Charge againſt the Chancellor, but to deſire the Lords to enquire into the thing, to avoid a Breach of Privilege of ſending for *Harris*, who is attending upon a Peer. No man can defend this, that a Proclamation ſhould be ſent out on *Monday*, &c. and no Commiſſions till *Saturday*

The Speaker.] Nothing can hinder your enquiry into this; and in ſending to the Lords you wound your own Power. You are angry with the Chancellor, becauſe he has not ſent out an imperfect Commiſſion; a greater fault, if he had, than ſending none. Examine it, to be rightly before you.

Mr *Sacheverell.*] You have had the ſame excuſe formerly, when the Commiſſion was imperfect in our country for conviction of Recuſants, and that was never rectified.

The Speaker.] I will excuſe nobody. My endeavours are to ſerve the Houſe, as far as I can; but I would not have you out of the way. The Proclamation being out, there is a Liſt given in of thoſe that ſtay; and that muſt have time to be returned, and it could not be done ſooner with any effect; and there has been no time loſt.

Sir *Thomas Meres.*] It was ſaid, "that a Conſtable told Sir *John Cutler*, that his Return was ready of the Names, &c." but *Cutler* ſaid, "I have no Commiſſion to give the Oaths."

Sir *Francis Ruſſel.*] I gave *Meres* an account of it, and my Landlord, a Conſtable, informed me of it.

Colonel *Titus.*] Under the pretence of changing the form of this Commiſſion, it is delayed. If any Member had ſaid it, or the Clerk of the Crown, it had been ſomething; but it is one thing to ſay, "that the Commiſſion muſt be changed in the form," and another, "that it is imperfect."

Mr Secretary *Williamſon.*] I was abſent at the firſt part of this Debate. I ſee it is about the Commiſſion that the Chancellor is to iſſue out. You will pleaſe to ſee to what degree the Chancellor is the occaſion of this. There were two perſons brought to me, ſuſpected of Popery; they were returned by the Conſtable of St *Martin*'s pariſh, who ſaid, "he muſt offer them the Oaths to take." They ſaid, "we are ready to come over to the Church from whence we went, upon diſcovery of this horrid Plot." I beg it may be conſidered. If the Liſt could have been done in two or three days by the Conſtables, then it might have been an omiſſion. The Lord Chancellor has called often to his officers for it. Theſe things conſidered, whether you will proceed with ſuch exactneſs? You may ſend to the Lord Chancellor to know farther, &c. and whether you will depart from that right of ſending for perſons, I would have it well conſidered. You may ſend ſome Members of your own to the Chancellor.

Colonel *Birch.*] All this buſineſs is cut out by a thread. If there be any ſuch fools as *Coleman*, to let Papers lie from *Auguſt* to the latter end of *September*, they might have been taken—Information was given, that Sir *Edmundbury Godfrey* was at *Somerſet-Houſe* at ſix of the clock that night he was miſſing; and it was not ſearched till next day. Here is remiſſneſs in every thing. I miſtruſt not the Lord Chancellor in this, but ſome other perſons—Till you have gone to the bottom of this, if every Miniſter be not as diligent as you, you will never do any thing—Send for a Conference, therefore, to the Lords, to examine this.

Sir

Sir *Nicholas Carew.*] I have no heart to queſtion Miniſters; we could never carry the queſtioning of one yet, and then I am ſure we ſhall never be able to carry the whole lump. The Proclamation is drawn according to Law, and well drawn—We are not now to compliment; wherever the fault is, there let them hear of it.

Mr *Finch.*] The Queſtion now before you is, how it comes to paſs that the Commiſſion for giving the Oaths, &c. is not iſſued out?—I am not able to give you an account, but I am willing to know—I am ſo ſenſible of the integrity of the perſon of the Chancellor, that he is willing you ſhould ſearch into the bottom of it. Before you come to Conference with the Lords, ſend to him. If he gives you not a ſatisfactory anſwer, then you may proceed as you pleaſe; but this is to accuſe him before you have ground. If the Chancellor did not proceed as to the Information of Mr *Oates* in time, it was not imparted to him in time, and he could not proceed.

Mr *Sacheverell.*] I have a great reſpect for my Lord Chancellor. I accuſe him not. I believe this obſtruction comes from a greater hand. But the not ſealing theſe Commiſſions is the thing. I hope, ere long, we ſhall find out a way of conviction of Papiſts more effectual.

Sir *Thomas Littleton.*] This Proclamation was iſſued out by the joint Addreſs of both Houſes; and I think it the moſt proper way to go by the Lords, in our Enquiry into this neglect, and it is no Infringement of our Right at all.

Sir *William Hickman.*] I am for ſending now to the Lords, &c. becauſe, when you ſent once to the Chancellor, about putting Gentlemen out of Commiſſion of the Peace, he anſwered, "that as we were Members of the Houſe of Commons, he could give us no anſwer."

Ordered, That a Conference be deſired with the Lords, to enquire into the reaſon of the Lord Chancellor's not iſſuing out Commiſſions to tender the Oaths of Allegiance and Supremacy, according to the King's Proclamation; [which the Lords agreed to, and fixed for *Monday.*]

[Mr *Bedlow* was ordered to attend to-morrow.]

Sunday, November 10, *in the Afternoon.*

Sir *Nicholas Carew.*] I muſt complain to you, that, in the Prayers for the Faſt, there is not one word of the Plot nor Popery *. I deſire the laſt Prayers that were ſet out, may be read.

Mr Secretary *Williamſon.*] The Houſe is ſo favourable to thoſe that go upon their commands, that they give them in writing; the King had it read to him, and he ordered my Lord of *Canterbury* to attend him about it.

Colonel *Birch.*] Read the Prayers and the Addreſs, and then you will ſee whether they are according to your Addreſs.

They were read.

Mr *Powle.*] I obſerve plainly that there is not one mention of the Papiſts. The Prayers may be as well relating to Fanatics as Papiſts. No wonder that the Privy Counſellors will not ſpeak plainly to the King, when the Biſhops will not ſpeak plainly to God Almighty. I would enquire into it.

Sir *Thomas Meres.*] It is a very good Prayer, but I ſee there is an awe and terror upon thoſe that made it. We muſt remove that terror. It is not according to the ſenſe of the Houſe. If any man be of another ſenſe, let him dare to ſhow it.

Colonel *Birch.*] It is enough. This is to make every man look about him. Certainly this is not the mind of all *England.* The earth ſeems to ſhake under us. We are afraid to handle this. I would have the new Prayers that ſhall be made, ſent to every County and Borough by the reſpective Members.

Sir *Thomas Lee.*] I am loth to loſe your time by Addreſſes; but ſince the Prayer has not anſwered your Addreſſes, I hope you will ſend to the King to know why his commands are not obeyed.

Sir *Thomas Littleton.*] The Proclamation is according to our Addreſs. The very words in our Addreſs gave the Biſhops words for the Prayers; but I find them in-

* See p. 170.

duſtriouſly

duſtriouſly avoided. The Prayers may be ready againſt the time of the Faſt; and I would let the King know that his commands are not obeyed.

Mr Secretary *Coventry*.] Conſider, this was the Addreſs of both Houſes; and I would have the Lords in this taken along with you.

Sir *Henry Capel*.] We ought to proceed with equal Juſtice. I have a great honour for my Lord of *Canterbury*; but I would to-morrow, at a Conference with the Lords, let them know the defect; and deſire them to join with you in an Addreſs to his Majeſty, that his commands may be obeyed, &c.

Sir *Chriſtopher Muſgrave*.] This is not upon an equal foot with that matter relating to my Lord Chancellor yeſterday.—The King anſwered your Addreſs, and the ſecond Anſwer was to you only; and in this you may go to the King without the Lords.

Mr Secretary *Williamſon*.] I agree to the Addreſs to the King. It is not the Archbiſhop of *Canterbury*'s authority, but the King's, that cauſes theſe Prayers to be compoſed. It is the King that commands it.—To ſave the ſcandal of mending and mending Prayers, pray go to the King, and not by way of the Lords.

Sir *Thomas Meres*.] I think it is agreed that the ſecond Addreſs about the Prayers was immediately by us to the King. I know not how to ſend to the Archbiſhop of *Canterbury*. I think him a very worthy man, but I would ſend to the King.

Sir *Robert Sawyer*.] It is the Gentry that muſt preſerve the Crown and Religion. I am glad to ſee the zeal of the Houſe in this. Pray let us go to the King, &c. with an Addreſs to him, that his Commands are not obſerved, &c.

Colonel *Birch*.] If there be tenderneſs in this matter, we all ſee and know where it is; but let it not be here. Repreſent the defect of the Prayers, in the words of the former Addreſs.

Colonel *Titus*.] I would not have the words of the Addreſs, " that the King's Commands are not fully

obeyed." That will imply, as if the King's Commands have been obeyed in part.

Reſolved, That an humble Addreſs be preſented to his Majeſty, to repreſent to him, that his Majeſty's Commands, for compoſing an additional Prayer, or Prayers, [to be uſed on *Wedneſday* next,] relating to the horrid Plot and Conſpiracy, have not as yet been obeyed, [no mention being therein made of the Papiſts, &c.] and that the Members of the Privy Council carry it.

Mr *William Bedlow* * was then called in, to give an account concerning the murder of Sir *Edmundbury Godfrey*, as alſo concerning the Plot.

Sir *Thomas Littleton.*] I would have him aſked only, whether he has been examined by any judicial Power before he came hither, to the end that he may not recede nor go back from what he ſays.

Sir *Thomas Meres.*] I would have the truth from him, without aſking him the leaſt queſtion; and take care that we do not in the leaſt invalidate his Teſtimony, when he is to give it at Tryals. If he will tender any Narrative in writing, you may accept of it, but I would not introduce him by any queſtions.

Mr *Bedlow* was brought to the Bar.

The Speaker.] Mr *Bedlow*, You are brought hither for enquiry into the Popiſh Plot, and the murder of Sir *Edmundbury Godfrey*. The Houſe leaves it to yourſelf to take your own way how you came to the knowledge of it, and what induced your diſcovery.

* This *William Bedlow* had formerly been a ſervant to Lord *Bellaſis*, afterwards an Enſign in *Flanders*. About *Michaelmas* 1674 he was ſent for over by *Harcourt*, recommended by the *Engliſh* Abbeſs at *Dunkirk*, and ſo by degrees became acquainted with the *Jeſuits*, and was at laſt generally employed as an Agent for them, and ſent frequently with Letters into foreign parts. *Hiſt. of the Plot*, p. 127.

Burnet ſays, "Bedlow had led a very vicious life; he had gone by many falſe names, by which he had cheated many perſons. He had gone over many parts of *France* and *Spain*, as a man of Quality, and he had made a ſhift to live on his wits, or rather by his cheats." p. 432.

He was apprehended at *Briſtol*, by his own deſire, and brought to *London*, *November* 6, where a guard was immediately aſſigned him for his ſecurity, and a penſion for his ſubſiſtence, with a lodging at *Whitehall*. *Rapin*.

Then

Then Mr *Bedlow* read a Narrative, which he preſented to the Lords*. All the Information he then gave at the Bar, relating to the Plot, is fully mentioned in the Tryals of the Murderers of Sir *Edmundbury Godfrey*, and others of the Traytors, &c. *He withdrew.*

Upon ſome reflections he made, of Correſpondences in *Hull*, for betraying the Deputy Governor,

Colonel *Rigby* ſaid,] I have the honour to be Deputy Governor of *Hull*, and I deſire Mr *Bedlow*'s particular Examination whom this Correſpondence is with, that honeſt men may be vindicated, and others puniſhed.

Serjeant *Maynard.*] I never knew but that, upon publication of Evidence, Witneſſes were found out to contradict that Evidence; therefore I would have Mr *Bedlow*'s Papers kept private.

Mr *Sacheverell.*] I would do this to prevent publication: I deſire that we may have theſe Papers ſealed up till to-morrow, that we may ſee they are the ſame that Mr *Bedlow* read to us.

[*Ordered*, That the ſaid Papers be ſealed up forthwith, and do ſo remain till farther Order.]

* In regard to the murder of *Godfrey*, he ſwore before the two Secretaries (*Nov.* 7.) in preſence of his Majeſty, "That it was committed in *Somerſet-Houſe*, by *Walſh* and *Le Phaire*, *Jeſuits*, and two laymen;" at the ſame time declaring alſo upon oath, "That he could ſay nothing at all as to the Plot that was then in queſtion." But, on the very next day, being brought before the Lords, by the King's directions, to give the ſame account he had done the evening before to his Majeſty, (that is to ſay, concerning the murder of *Godfrey*) he all at once made a tranſition to the Plot, and declared, "that two of the perſons he had named as the murderers, viz. *Walſh* and *Le Phaire*, had informed him, that the Lord *Bellaſis* had a Commiſſion to command forces in the North, the Earl of *Powis* in *South Wales*, and that Lord *Arundel* of *Wardour* had a Commiſſion to grant Commiſſions to whom he pleaſed; that *Coleman* was a great agitator in the deſigns againſt the King; that he aſking them, "Why he had not been ſooner let into the ſecret concerning the King's death,"---they anſwered, "None were permitted to know it, but ſuch as Lord *Bellaſis* nominated." Here he ſtopped ſhort, deſiring time to put his whole Narrative in writing, which he ſaid he had begun. And being aſked "if he knew *Titus Oates?*" anſwered in the negative, without any reſervation. *Ralph.*

His farther Depoſition was reported to the Houſe of Lords, from their Committee, by the Marqueſs of *Wincheſter*, *Nov.* 12.

Mr

Mr Secretary *Coventry* acquaints the Houſe, that Sir *Ellis Leighton*'s Papers were ſeized before he came to *Dover*; that he was ſearched at his arrival at *Dover*, but he had no Papers about him to make much matter of; ſome few Letters were found upon his two maid ſervants, and there being nothing againſt him, I would know whether you would have him diſcharged.

Monday, November 11.

On the High Sheriff's undue Return for the Borough of *Northampton*.

Mr *Williams*.] The Judges were of opinion, in the caſe of Sir *Samuel Barnardiſton*, upon argument in the Exchequer chamber, "that an action of the caſe does not lie upon an undue Return made; but that the Houſe of Commons may fine him for miſdemeanor." It is now an ordinary thing to ſpend 3 or 4000*l.* upon an Election in a Borough. I would therefore have you fine the Sheriff for this undue Return.

Sir *Thomas Lee*.] This being the firſt example of this kind, I would have the Serjeant take the Sheriff into cuſtody; not to go abroad at his pleaſure, but to keep him cloſe; and that is the reaſon why you do not ſend him to the *Tower*.

[*Ordered*, That Mr *Neale*, High Sheriff for the County of *Northampton*, be committed to the cuſtody of the Serjeant at Arms; and Mr *Ralph Montagu* * was declared duly elected.]

Mr *Powle* reports the Conference with the Lords, concerning the not iſſuing out the Commiſſions for giving the Oaths of Allegiance and Supremacy, &c. The Lords giving your Managers no Paper, if I be not ſo exact in the Report as I ſhould be, yet I hope I ſhall omit nothing material that the Lords delivered. "The Lords take in good part the zeal of the Houſe of Commons in this matter. They ſay, that if the Commiſſions, &c. had been iſſued out before the returns had been made of Papiſts, or ſuſpected Papiſts, there could have been no uſe made of them, for they could not have been executed: [That nevertheleſs] the Lords thought it not enough to tell you, that there was no negligence of the Chancellor in the matter; but that, with all the care that poſſibly could be, the Commiſſions will be brought to

* Then Ambaſſador in *France*, and afterwards Duke of *Montagu*. The reaſon of his getting into Parliament will appear hereafter.

the

the Juſtices by *Thurſday:* The Lords have had the matter in Debate, and what limitations ſhould be for aged and infirm people, whom it would be hard upon, a ſeverity they ſuppoſe the Houſe of Commons did not intend. In the Proclamation there is a prudential power [reſerved,] in ſix Lords of the Council, [to grant Licences,] otherwiſe thoſe that ſtay would be in a worſe condition than they that go. [Peers of the Realm,] aliens, and foreign merchants, the Lords conceived were not within that Law: The Lords thought fit to inſert this, that they need not trouble themſelves with it---The Chancellor had acquainted the Lords this morning, that he had Commiſſions ready for ſix counties, included within that circle of ten miles from *London*— Though the Lords thought theſe exceptions reaſonable, yet the Chancellor withdrew to have the Commiſſions ſealed according to the Proclamation; " and ſee now, Gentlemen, (the Lords ſaid,) you have your deſires."

Sir *Trevor Williams.*] I would have you declare, by Vote, that whoever has a hand in this Conſpiracy may be declared a Traytor.

Sir *Thomas Lee.*] You need not declare by Vote what is Law already. I hope ſhortly you will ſee them brought to puniſhment as Traytors, the Plot being as clear as the ſun that ſhines—I ſee by the Lords Conference, that the wheels need greaſing and oiling. We could not get ſo much as Prayers from the Biſhops, for the Faſt-day, to make mention of the Plot and Popery: I would therefore remind the Lords of the Bill before them of excluding Members of both Houſes that refuſe the Teſt and Oaths, &c.

Colonel *Birch.*] We ſee diſeaſe upon diſeaſe, danger upon danger; if you cannot get that Bill, it is neither ſafe for the King nor Kingdom. This gives the Papiſts encouragement—I would let the Lords know, that, without that Bill, we cannot make one ſtep in the ſafety of the King and Kingdom.

Sir *Nicholas Carew.*] If we have not this Bill, I know not what will become of us, ſhould we be under the curſe of a Popiſh Prince. I would therefore remind the Lords of it.

Mr *Bennet.*] If the Popiſh Lords be in the Houſe, and the Duke be a Papiſt, we can do nothing without this Bill.

Colonel

Colonel *Titus.*] Without this Bill we ſhall be like Phyſicians that make very learned diſcourſes of the diſeaſe of the patient, but give no remedy, till the patient be paſt remedy. If all Papiſts cannot pretend that they have either Lawſuits to follow, or that they are ſo old, or ſo young, that they cannot go out of town, it is ſtrange. Who are they that are gone? They are ſuch as have no friends, and are moſtly the inconſiderable part of them; but the conſiderable part of them are left behind: It is as if Coachman and Footmen were turned away for Papiſts, and yet they may have a *Jeſuit* for their Steward.

Dat veniam corvis, vexat cenſura columbas.

Unleſs this Bill paſs, we can do nothing.

Sir *Thomas Meres.*] This Bill is to clear the fountain of Law, for our time, and to take from the King great men conſtantly at his ear to diſturb him—We have as much right to our places in Parliament, without any Oaths and Teſt, as the Lords have—And we muſt be turned out if we are Papiſts, as we have done lately with two of our Members *(Swale* and *Strickland.)* I would willingly diſcourſe this point a little with the Lords, and have our parchment Bill again at a Conference. Conferences cannot be ſecret. There will be ſtanders by. This Bill went fairly on with the Lords till *Friday* laſt, and you know what we did that day—*(Debate on the removal of the Duke of* York.) I would have the Lords fairly and ſoftly moved, to remind them of this Bill.

Sir *Thomas Littleton.*] This way of ſending Meſſages to the Lords, and they to us, to remind one another of Bills, is not very ancient, yet has obtained upon us. You may add ſome quickening words in your Meſſage in reciting the Bill, "upon which the ſafety of the King and Kingdom depends."

Serjeant *Maynard.*] In the great danger the King and Kingdom are, I wonder at the reaſon this Bill is retarded. The Popiſh Lords ſay, "it is their inheritance to ſit in the Lords Houſe without Oaths or Teſt, and what will become of the Peerage of the Lords if they ſuffer ſuch a change?" But will they put any thing in balance with the ſafety

ſafety of the King, Religion, and Government? No man can claim an inheritance, but by lawful marriage, and no lawful marriage but by a Prieſt. And how have we been married theſe hundred years? Eſtates and Honours muſt come by deſcent in legal matrimony, and that muſt be by the Biſhop's Certificate, and that muſt be by Popiſh matrimony: I propound this only, for I do not know what changes may be heareafter, ſhould Popery be ſettled amongſt us.

The Lords were reminded of the Bill by a Meſſage, [with the words annexed that were propoſed above, by Sir *Thomas Littleton.*]

Tueſday, November 12.

A Motion being made to addreſs the King to recall Sir *William Godolphin* from his Embaſſy in *Spain*, &c. as one accuſed of Treaſon,

Mr Secretary *Coventry* ſaid,] *Godolphin* ſtays only to diſpatch ſome buſineſs of the King's.

Sir *Thomas Littleton.*] I would have the Addreſs be, "That he be recalled to anſwer ſuch crimes as are objected againſt him in relation to the Plot."

Sir *Nicholas Carew.*] That he ſhould be ſtill ſuffered to be in *Spain* is like all the reſt, and I do not wonder at it.

Sir *Thomas Clarges.*] I think an Ambaſſador has the power of a Prince in his houſe where he is Ambaſſador, which may be of very ill conſequence in this Gentleman.

Reſolved, That an [humble] Addreſs be [preſented] to his Majeſty, to deſire that Sir *William Godolphin*, [his Majeſty's Ambaſſador in *Spain*,] being accuſed of [High] Treaſon, may be called home to anſwer the accuſation.

Sir *Thomas Lee.*] I cannot but obſerve, that ſome of the Kings houſes are harbours for Papiſts. Thoſe places are out of the juriſdiction of Juſtices of the Peace; therefore I would know, whether there are directions to the Officers of the King's family to give the Oaths there, that that place may be clear of them, as well as the poor ſhopkeepers ſent out of town.

Colonel *Titus.*] As I hear, when the Biſhop of *London* did procure a Proteſtant Church at St *James*'s, it was objected againſt it, "that it was an inconvenience that great numbers

numbers of people ſhould reſort to any of the King's houſes;" but Papiſts may, it ſeems. A Member of the Houſe intended to go to church there, but, it ſeems, he was miſtaken; he was in the wrong box, for he found upon the door, *Pray for the ſouls of ſuch and ſuch departed this life!* It was a Popiſh Chapel, and they were going to Maſs.

Mr *Miles Fleetwood.*] Affirmed it.

Mr *Powle.*] You will never be free from Plots, till *Whitehall* be free from Papiſts. I would addreſs the King, that the Oaths of Allegiance and Supremacy may be tendered to all perſons within any of the King's Houſes; unleſs to ſuch perſons *(jeeringly)* as are licenſed by the Privy Council. By this means, you will, in a great meaſure, take off the aſperſion of this being a State Plot.

Sir *Thomas Clarges.*] In the late King's time there was an Addreſs made to the King, for removing all perſons from the Queen's attendance, who were not Proteſtants.

Mr *Williams.*] In 3 *James*, and 35 *Hen.* VIII. (I find it not repealed) there is a particular Oath directed and preſcribed by that Statute by ſpecial Commiſſioners to be tendered to all the King's family. They that refuſed it were executed for Traytors. It was Sir *Thomas More*'s caſe—I move that Oath may be tendered them.

Sir *William Coventry.*] Concerning the giving the Oaths in the King's Houſes, I know nothing of the preſent Articles of the Queen's Marriage, which have ever been kept in miſts. When the Crown of *Portugal*, in the neceſſity they were in for us, married the Queen hither, I believe there were no greater Articles of Marriage in favour of the Popiſh ſervants, than we ſee in Mr *Ruſhworth*'s Collections, when the Match was in treaty with *Spain*; and thoſe Articles, when the late King married into *France*; and thoſe Articles were for foreign Popiſh ſervants only, and no Articles about Popiſh ſervants are in being of longer date than the Marriage with the late Queen.—It is ſaid, this Queen has but thirteen Popiſh ſervants. I have not heard of above that number; but as to the

Plot

Plot of taking away the King's life, a leſs number than that may do that horrid thing.—If the King be murdered, will they make him alive again? But if the King be in ſuch danger by the Papiſts, it is enough to cancell that obligation of Marriage.—This would be a condition, to create terror to the King. The very Law of Nature would make ſuch conditions void, and I would not have you countenance it.

Sir *Thomas Meres.*] In the laſt Bill, about giving the Teſt and Oaths, &c. all the Queen's ſervants were to take it, except the Queen's *Portugal* ſervants. Articles of Marriage cannot bind againſt the Law of the land; and I would have it ſo.

Mr Secretary *Williamſon.*] It is truly ſaid by *Coventry*, "that ſuch Articles are of no longer date than the late Queen's time." You will find, in thoſe Articles, "that all the Queen's ſervants ſhall be *French*, and ſuch as die ſhall be filled up as the King ſhall approve of them;" and the Articles relating to this Queen are the ſame—Do you think fit that the King ſhould diſallow the ſame ſervants that he has put in with his own approbation?

Sir *William Coventry.*] I had forgot, before *Williamſon* put me in mind by ſaying, "theſe were the ſame Articles that were made in the late Queen's Marriage." The practice of thoſe Articles was not the ſame as this is; for the *French* ſervants were ſent away upon another account than theſe are; but there is much more reaſon for theſe; for this is a conſpiracy againſt the King's life, and the ſending away of thoſe *French* ſervants then was not thought a breach of the Law of Nations.

Reſolved, That an humble Addreſs be preſented to his Majeſty, to deſire his Majeſty, that a ſpecial Commiſſion may be iſſued forth, for tendering the Oaths of Allegiance and Supremacy to all the ſervants of his Majeſty and his Royal Highneſs, and to all other perſons (except her Majeſty's *Portugal* ſervants) reſiding within his Majeſty's Houſes of *Whitehall*, *Saint James's*, and *Somerſet-Houſe*, and all other his Majeſty's Houſes.

Sir *William Coventry.*] There may be ſome doubt in the words "reſiding within his Majeſty's Houſes, &c." Something does occur to me which happened in *Cromwell's* time,

time, when they ſearched for perſons about a Plot, &c. At the Houſe where I was ſearched for, they made a ſucceſsful lie, by ſaying "that I lodged in the Inns of Court, and might be found there;" ſo by change of dreſs I ſaved myſelf: The Inns of Court were never generally ſearched, unleſs for ſome particular perſon; therefore I would have a Commiſſion to give the Oaths to all thoſe that have lodgings in the Inns of Court.

[This was alſo *Ordered*, in manner following: "And that there may likewiſe ſpecial Commiſſions be iſſued forth, for tendering the ſaid Oaths to all perſons reſiding within the two Serjeants-Inns, all the Inns of Court, and Inns of Chancery."]

Colonel *Titus.*] I was ſhowed a Manacle, found in *Somerſet-Houſe:* I know not what uſe they are for; neither do I deſire to try. *(The Manacle was produced.)*

Mr *Sacheverell* reports Mr *Atkins*'s Examination, [taken in *Newgate*,] accuſed by Mr *Bedlow* of being one of thoſe that had a hand in Sir *Edmundbury Godfrey*'s murder.

Mr *Sacheverell.*] I muſt needs ſay thus much of him, that he is as ingenious a man to ſay nothing, as ever I heard. He ſays, "he was never in *Somerſet-Houſe* for ſome months before;" and knows not where *Godfrey* was on *Saturday*, *Sunday*, or *Monday*.

[Mr Secretary *Williamſon* acquainted the Houſe, that, in purſuance of the ſecond Addreſs of the Houſe, touching a particular Prayer to be uſed on *Wedneſday*, his Majeſty had given order, that the Prayers ſhould be altered.]

[*Wedneſday*, *November* 13. Faſt-day. Dr *Stillingfleet*, Dean of St *Paul*'s, preached before the Houſe.]

Thurſday, November 14.

A Meſſage from his Majeſty, delivered by Mr Secretary *Williamſon.*

"*C. R.*

"His Majeſty having conſidered of the Addreſs of this Houſe of the 12th inſt. deſiring his Majeſty, "That a ſpecial Commiſſion may be iſſued forth, for tendering the Oaths of Allegiance and Supremacy to all the ſervants of his Majeſty and his Royal Highneſs, and to all other perſons (except her Majeſty's *Portugal* ſervants) reſiding within his Majeſty's Houſes of *Whitehall*, *Saint James*'s, and *Somerſet-Houſe*, and all other his Majeſty's Houſes; and

and that there may likewiſe ſpecial Commiſſions be iſſued forth, for tendering the ſaid Oaths to all perſons reſiding within the two Serjeants Inns, all the Inns of Court, and Inns of Chancery," his Majeſty is pleaſed that this Anſwer be returned: That as to all his Majeſty's own ſervants, all the ſervants of his Royal Highneſs, and all other perſons reſiding in *Whitehall*, *Saint James's*, *Somerſet-Houſe*, or in any other of his Majeſty's Palaces or Houſes (except the menial ſervants of the Queen and of the Dutcheſs) as alſo all perſons within either of the Serjeants Inns, or any of the Inns of Court or Chancery, his Majeſty willingly grants it: But as to the Queen's menial ſervants (who are ſo very inconſiderable in number, and within the Articles of Marriage) his Majeſty doth not think it fit: And his Majeſty cannot but take notice, that, in a late Addreſs from the Houſe of Peers, for prohibiting all Papiſts to come to Court, the menial ſervants of the Queen and Dutcheſs were excepted: And his Majeſty hopes this Houſe will proceed with the ſame moderation as to that particular. Given at the Court at *Whitehall*, the 14th day of *November*, 1678."

[Mr Secretary *Williamſon* added, That his Majeſty had already ordered his Letters of Revocation of Sir *William Godolphin*, and that he had a perſon in his eye to ſucceed him.]

Sir *William Coventry*.] It is not an eaſy matter to paſs over, that the Lords of the Council ſhould give their conſent to Articles of Marriage, againſt the Law of the Land. Univerſally the laſt Queen's ſervants were Proteſtants; but here is a point now that concerns the King's ſafety. It is ſaid, "that the King's Popiſh ſervants are not above ſeventeen." Are not ſeventeen, or twelve, enough to do a miſchief that ſeventeen hundred years cannot repair? They that have the keys of the King's lodgings, and acceſs to his perſon, by their attendance, are they not enough to let in more? It is no ſecurity at all for the King, ſo it deſerves your conſideration. It is fit to appoint a time, a farther day, to conſider of it.

Sir *Thomas Lee*.] I think that buſineſs muſt not at all keep cold; and therefore I am for a ſecond Addreſs to the King in this matter. There are a body of men at *Somerſet-Houſe*, that call themſelves the King's ſervants, and are ſo many Prieſts. Therefore I move for a ſecond Addreſs, that they may all have the Oaths tendered them.

Mr Secretary *Williamſon.*] There is a difference between the Queen's ſervants and the Dutcheſs's; one has them upon Articles of Marriage, the other not. But it is ſaid, "this is a ſtipulation againſt Law, and therefore void." But it has been ſo ever ſince the Reformation. The late Queen's Marriage had that ſtipulation, and I never remember that it was excepted againſt in the height of the fears and jealouſies of Popery in the Parliament of 1641. All the *French* ſervants, indeed, were turned away, but they were ſo partly by the Queen's conſent, but with the King's conſent ſuperior. But one part of the demand of the King of *France*, in 1627, was about that matter. But where ſtipulations ſeem beſides, or againſt the Law—one Article of the Marriage, in 1625, was, "that the Articles ſhould be confirmed in Parliament." I offer, therefore, that this Marriage of the preſent Queen was a more favourable one, and a more honourable one, than any that has been formerly; for beſides trade and the ſucceſſion of the Crown of *Portugal*, if the Marriage had been bleſſed with children—The *Portugal* ſervants you in your judgments have paſſed by—She brought over *Portugal* ſervants, intending to eſtabliſh her family of all *Portugal* ſervants—But the King ſent them home; and it is wholly in the King that they are not all *Portugal* ſervants—The King's nature is ſo good, that you may imagine it will go near with him to deny this Houſe any thing, and to put this hardſhip on the Queen, near the perſon of the King, to have no ſort of number of Papiſts, it becomes you not to endeavour it—I humbly offer it, not to renew any Addreſs of the nature moved for, the number being not near any matter of importance—I ſpeak this as my place induces me, but much more as my reaſon induces me to it.

Sir *George Hungerford.*] I am ſorry that this Anſwer from the King ſhould give countenance to Popiſh Prieſts in the Duke's family. The misfortunes of the laſt King were much from a Popiſh Marriage; and I wonder it ſhould be preſſed as an inſtance.

Mr

Mr *Powle.*] The honourable perſon, (*Williamſon,*) tells you, " That in all times ſince the Reformation, Articles have been the ſame about the Queens Marriages, &c." I riſe to tell you, that he is miſtaken. In Queen *Elizabeth*'s Treaty with the Duke of *Anjou*, look upon thoſe Articles in the *Cabala*, and *Walſingham*'s Letters, and you will find another kind of reſtriction. There it was expreſsly provided, " that no *Engliſh* Papiſt ſhould be ſervant, &c. and the Duke was to have no public chapel, and Maſs only ſaid in his private lodgings." Now to come up to the buſineſs before you; it is the judgment of the nation, that the Papiſts have broken through all your Laws, and planted themſelves in his Majeſty's Court, Council, Navy, and Army. Princes and all men are prevailed upon by thoſe near them, and what opportunity they may have to attempt the worſt of deſigns, any man may judge. Sit ſilent under this, and you confirm the world that we apprehend no Plot againſt the King—Theſe Articles having reference to the *French* Articles; yet in them they have things expreſsly contrary—If we depart from this, the Lords may from our Bill, and therefore I move for a ſecond Addreſs, &c.

Mr *Laurence Hyde.*] I find a great difference of temper from what we had at the beginning of the Seſſion. When this began, we had great regard to a good correſpondence betwixt the two Houſes. The King takes notice, in his Meſſage, " That the Lords would exempt the Queen's and Dutcheſs's ſervants;" and it is ſome kind of Anſwer from the King. Now I hear it ſaid, " If you do not this, you do nothing"—As to the Articles of Marriage, if the King approves not of Catholic ſervants, ſhe is to have none. There is no obligation upon the King, but that of decency; and I hope you will not determine the thing, till you have maturely conſidered of it.

Mr *Sacheverell.*] All about the King, that are not Papiſts, methinks, ſhould deſire, that the ſervants of the Queen and Dutcheſs ſhould have the Oaths tendered them, that they may not lie under the ſuſpicion of giv-

ing Popiſh counſels. What if the Lords do not come up to us in this of the Queen's, and Dutcheſs's ſervants, do we not know who they are that oppoſe it? It is ſtrange we muſt take meaſures from the Lords, when we know who ſits there. This Meſſage from the King about the Queen's, &c. ſervants, is from the ſame counſels ſtill—Pray let us make this Addreſs, or do nothing—If we are more tender of the Duke and the Queen than we are of the King, I believe there is ſomething more feared than the danger of the King.

Mr *Waller.*] When the King intended to marry this Queen, the Infanta of *Portugal*, he did a very ſpecial thing; he conſulted the Parliament about his Marriage. I never knew that was done before. If you now take away the *Engliſh* ſervants, the Queen will have the more *Portugal* ſervants; it may be, double the number.—I would take care hereafter, how we approve ſuch Marriages in Parliament. There is no nation under Heaven, where Princes do marry with one of contrary Religion, but *England.*—I would leave this as it is for the preſent, and prevent ſuch Marriages for the future.

Mr Secretary *Coventry.*] I acknowlege, that when a Law is eſtabliſhed by the two Houſes, &c. it cannot be aboliſhed by the King; but as for baniſhing the Papiſts ten miles from Court, the King may diſpenſe with that, and ſeveral other things. Now the Queſtion is, whether the *Portugal* or the *Engliſh* ſervants are more dangerous to the perſon of the King. *Engliſh* are more proper, by relations and acquaintance, to carry on a Deſign.—This will be a hardſhip upon the Queen, who has above two thirds of her ſervants Proteſtants. She brought over all *Portugal* ſervants; but *Engliſh* were ſworn into her ſervice, to her great regret, before ſhe came, and her Family placed by the King's Authority: And it was a great hardſhip upon her to have the *Portugal* ſervants removed. Let every man lay his hand upon his heart; could he bear this in his own Family? The Lords having excepted the Queen's ſervants, I leave it to you to conſider whether you will not do the ſame.

Colonel

Colonel *Birch*.] I would not ſtand up, but becauſe you are moved to let fall the Debate, "becauſe the Lords have agreed to the Queen's ſervants, &c." The buſineſs inſiſted upon is, Articles of Marriage, &c. From that fatal day that we approved the Marriage of the King with one of another Religion, there has been no true underſtanding betwixt the King and us;—there has been ſcarce Peace in the nation ſince. This is allowed in no nation but ours—Does that Gentleman ſay that thoſe Articles of the Queen's Marriage were brought us hither to confirm? And you have heard what Articles Queen *Elizabeth* made when we were great—Is this a time to talk of Articles againſt Law? Are we now void of fears of the Papiſts? This buſineſs, I think, comes on purpoſe to invalidate our Bill now with the Lords. Pray give no countenance to this matter now. It does not appear that there is any merit in the Queen, to do this contrary to Law; and pray do not.

Sir *William Coventry*.] Since this is before us, I wonder at the argument from the littleneſs of the number of theſe ſervants, &c. and the quality of the perſons. When there comes a thing before the Parliament againſt Law, Popery in the King's Houſe, what will the common People think of us? That we are Papiſts too. We are told of "our approbation of the *Portugal* Match;" and we told the King "we would ſtand by him with our Lives and Fortunes, wherever he pleaſed to marry;" but that was not to have Papiſts in the Queen's Family and his own; we confirmed them not; it was againſt *Spain*, then an enemy to *Portugal*. A great man then told us, at a Conference, when it was communicated to us by the Lords, "that though the King had not married with a Proteſtant, yet it was with the only King that did not acknowlege the Pope." (For then the King of *Portugal* and the Pope were at variance about the King's authority in nominating Biſhops.) It ſeems, they were not then ſo well agreed as now they are. Whether the Pope did not acknowlege the King of *Portugal*, or he the Pope, was a Queſtion: But, upon this topic, the late Queen had but one Lady of the Bedchamber a Papiſt, and ſhe not convicted nei-

ther. It was the Counteſs *Rivers*. Certainly, there was never ſuch a thing thought of, as that Papiſts ſhould be in the King's Houſe, then. It is objected, "ſhall ſhe not have *Engliſh* ſervants to lead her to Church?" She may have *Portugal* Prieſts. Surely ſhe has not forgot her Father's language ſo ſoon, as not to underſtand them. Our caſe is come to this; the Party muſt be diſcountenanced, all the ways we can, by Law. I hear that, in this little time of diſcountenancing of Popery, people have returned from Popery, and been confirmed in our Church. Is this a time for us to ſhrink back? If there be a rough part in this buſineſs, it is fitter for us to act it than the King, and then it may ſeem ſmall from him. The King is God's Vicegerent, and I would do as to him; when we think we are in the right, redouble our prayers; and I hope you will in this do ſo to the King.

Reſolved, *Nemine contradicente*, That a farther Addreſs be preſented to his Majeſty, for iſſuing forth of Commiſſions for tendering the Oaths of Allegiance and Supremacy to the menial ſervants of the Queen and her Royal Highneſs.

Sir *William Coventry*.] We reminded the King of this in our Addreſs, as *Caſus omiſſus*. In our former Addreſs, we went not by way of the Lords; but in a thing, now made of this conſequence, I deſire you would conſider whether you will go by the Lords. I offer it only.

Sir *Thomas Meres*.] We ſee the danger of Papiſts being in the King's Family, farther than the Lords. They were overcome at a Conference, about iſſuing out the Commiſſions, &c. They granted the point. But we did not then ſee, that there were privileged places for Papiſts. This Addreſs is only reforming an error of the firſt Addreſs; and in that Addreſs we went alone, without the Lords.

Sir *Thomas Clarges*.] The King is a great and generous Prince, and has no fears about him; but we may have for him. The Duke is but a ſubject; and in the Bill of the Teſt, &c. the King's ſervants are not excepted. This is but *Caſus omiſſus* in our Addreſs, and but an explanation of our former Addreſs, and this inſerted in a Bill now depending with the Lords.

Mr

Mr *Sacheverell.*] I have letters from my own country, [*Derbyſhire*] "that there are Papiſts that ſpread abroad Books, to perſuade the people that there is no Plot." And ſince we have not heard from the Lords all this while, I move you to ſend to the Lords, to remind them of a Meſſage we ſent them about printing *Coleman*'s Letters.

Sir *William Coventry.*] I hear that the Lords have made ſome progreſs in your Bill, &c. I would not therefore interrupt them now. I have reaſon to believe, that, when that Bill is paſſing, that of the Letters will have eaſy paſſage.

Sir *Thomas Lee.*] It is ſaid, "this may interrupt our Bill, &c. The interruption would be little, but the thing great. It is a neceſſity that thoſe Letters be printed, for uniting and awakening all the Proteſtants, now the Papiſts are ſent into the country by the Proclamation—It will expedite that Bill—Paſſing that Bill will not give ſo great ſatisfaction, as printing thoſe Letters.

Colonel *Birch.*] This Meſſage will farther your Bill. Paſs a Vote now, and ſend it up to-morrow, and I hope you will do this, and ſomething elſe too.

[A Meſſage was ordered accordingly.]

[Mr *Bedlow* was then called in, to give his farther information.]

Mr *Bedlow* at the Bar.] "What I can remember relating to the Plot, I will not conceal from the Houſe. I do acquaint the Houſe, that Father *Conyers*, Lord *Bellaſis*'s Confeſſor, ſaid in my hearing, "that they only wanted opportunity of ſhips to ſurprize *Jerſey* and *Guernſey*, by *French* men of war lying at *Breſt*, and that Sir *Francis Ratcliffe* was to ſurprize *Tinmouth Caſtle*." I confeſs that I have been a great rogue to the King, and my country, and if I had not been ſo, I could not have revealed what I have done. And I will not bring more matter to endanger myſelf, till I have the King's Pardon, becauſe I have ſomething to ſay againſt a great perſon near the King, and great things. The King has promiſed me his Pardon, as to Sir *Edmundbury Godfrey*'s murder, for diſcovering what I know, and the Proclamation has pardoned me that; but for what I know farther, I deſire my Pardon firſt, before I ſay any thing. I brought a Gentleman acquainted with a woman for his wife; and it was to inſinuate myſelf into the acquaintance of the greateſt gunpowder merchant in *England*, the better to carry on the deſign. I ſhall not conceal any thing, but humbly beg the Houſe

will intercede to the King for a general Pardon for me. *He withdrew.*

Mr Secretary *Coventry.*] Some of the crimes of the *Jeſuits* are ſo many, that they muſt have a general Pardon; they cannot elſe be ſafe.

Mr Sollicitor *Winnington.*] The Pardon for Mr *Oates* is at the Attorney General's Office, and will ſhortly be at my Office. A Pardon for a *Jeſuit* muſt be general; they are criminal under ſo many Statutes.

Sir *Nicholas Carew.*] *Bedlow* tells you, "he has great matters to ſay, and of great perſons, therefore he would have his Pardon, that he may reveal them, &c. for fear that great perſon he mentions ſhould make him away before he can reveal the matters."

Ordered, That an Addreſs be preſented to his Majeſty, for a general Pardon for Mr *Bedlow.*

Friday, November 15.

Sir *Thomas Littleton* reports the Anſwer to the King's Meſſage, concerning the exemption of the Queen's ſervants from the Oaths; [which was agreed to by the Houſe, as follows:]

"We your Majeſty's moſt dutiful and loyal Subjects, the Commons in Parliament aſſembled, having taken into conſideration your Majeſty's Meſſage of the 14th inſtant, do humbly render our Thanks to your Majeſty for graciouſly condeſcending ſo far to our deſires, and willingly granting "that a ſpecial Commiſſion be iſſued forth, for tendering the Oaths of Allegiance and Supremacy to all your Majeſty's own ſervants, all the ſervants of his Royal Highneſs, and all other perſons reſiding in *Whitehall*, *St. James's*, *Somerſet-Houſe*, or any other of your Majeſty's Palaces or Houſes, except the menial ſervants of the Queen and the Dutcheſs; as alſo all perſons within either of the Serjeants Inns, Inns of Court, or Inns of Chancery."

"As to the perſons excepted in this your Majeſty's Meſſage, We, your Majeſty's Commons, do humbly adviſe your Majeſty, and renew our deſires, that they may be comprehended in the ſaid Commiſſion; for which, we do, with all duty, lay before your Majeſty the reaſons following:

"1. For the quieting the minds of your Majeſty's good Proteſtant ſubjects, who have a more than ordinary care and ſollicitude for the ſafety of your Majeſty's perſon, by reaſon of the notorious conſpiracies of the Popiſh party at this time, even againſt the life of your ſacred Majeſty.

"2. By

" 2. By your Majeſty's Proclamation, ſet forth upon the Addreſs of both Houſes, for baniſhing Popiſh Recuſants ten miles from *London*, there is no ſuch reſtriction.

" 3. The diſcouragement it would be to the whole kingdom, to ſee ſo great a neglect; and the occaſions that Papiſts would take from thence to ſay (as they daily do) that all our fears are groundleſs.

" 4. It is too great a countenance to this dangerous faction, who are already come to that height, that it renders all manner of diſcouragement, on that ſide, neceſſary.

" 5. It is againſt the Laws and Statutes of the realm; which, as they are preſerved and maintained by your Majeſty's authority, ſo we aſſure ourſelves, you will not ſuffer them to be violated in your own Family, and Royal Preſence, and upon the account of Popiſh Recuſants."

On Sir *John Ernly*'s Motion " for a Proclamation to baniſh the Prieſts and *Jeſuits* out of *England*."

Sir *William Coventry*.] Since the King came in, there was never ſuch a Proclamation; and if there ſhould be ſuch a Proclamation for Prieſts and *Jeſuits* to depart the land, they would not believe you in earneſt, ſeeing it has not been already done; and if they be in *England* now, I believe them to be ſo great fools for ſtaying, as not to be dangerous.

Sir *Thomas Lee*.] I'll put *Ernly* upon a more effectual way to be rid of them than the Proclamation. In *Brecknock* there was a Prieſt taken and pardoned. Let them hear of another convicted and executed, and that will ſend them away, and they will believe you are in earneſt.

Saturday, November 16.

Mr *Williams* reports an Addreſs to the King, for iſſuing out ſpecial Commiſſions of *Oyer* and *Terminer* for trying of ſeveral Prieſts and *Jeſuits* now in cuſtody, &c. *See the Addreſs at large in the Journal.**

Sir *Job Charlton* and Mr *Johnſon*, two of the Juſtices on the *Welch* Circuit, were reflected on for not trying Prieſts and *Je-*

* The perſons particularly named in the Addreſs were *Charles Mehaine*, in cuſtody in the Borough of *Denbigh*, *William Lloyd* in the County Jail of *Brecon*, and *James Colker*, a *Benedictine* Monk, who aſſumed to himſelf the title of Biſhop of *London*.

ſuits

ſuits in cuſtody in their Circuit [*Lloyd* and *Mehaine. See the Note.*]

Mr *Johnſon.*] I was at that Aſſizes, ſick; and I am credibly informed, that Sir *Job Charlton* did not ſo much as know of their being in cuſtody. The caſe of the Prieſt is this: This Prieſt *(Lloyd)* at *Ludlow*, was purſued, and rode over half a dozen women and children. He was taken up and committed to priſon, for want of ſureties for his good behaviour. There was a Maſs-book found about him, and the King's Attorney General for that Circuit thought that evidence ſo ſlight as not fit to indict him.

Mr *Williams.*] I will tell you what Sir *Job Charlton* knew of it. There was an Alderman of *Denbigh* that had the examination of this Prieſt, and he found upon him a writing, importing his Order that he had taken at *Rome*; the Alderman did acquaint Sir *Job* with his proceedings, and aſked his advice. It was intimated by the Alderman again, and a *Habeas Corpus* was deſired. The Alderman was frowned on by Sir *Job*, and he told him, "He was fit to be tryed in the Borough, and not in the County." And this I will prove to be true.

Sir *William Coventry.*] I ſpeak to the matter of the Addreſs. It is ſtrange we cannot make complaint to the King that the Prieſt is not tryed, without hearing Sir *Job Charlton* firſt (as is moved.) If complaint be made to the King of another man, the King examines it; but this is of your Member, and you carry it to the King as if you had examined your Member. It is hard to do it, and not to hear him firſt. What reflects upon Sir *Job*, I move, may not be in the Addreſs. I never remember him backward as to Popery, and I believe him a very good Proteſtant.

Sir *Thomas Meres.*] The Addreſs is only about ſuch a man, and he was not tryed. The word "wilfully" may be left out in the Addreſs (by the Judges, &c.) but in fact it was not done. That you may addreſs.

Colonel *Titus.*] I believe the character that is given of Sir *Job*, that he is a good Proteſtant; but ſo much credit

is

is to be given to your Member (*Williams*) that the fact was done—Sir *Job* is a Gentleman of the Long Robe, and did desire to be in a better condition than he was; and as things were like to be, this is the way to rise, not to persecute that party.

Sir *Trevor Williams.*] Sir *Job* has a good place, and would be loth to part with it. There is not so much as a Clerk in his Circuit, but he is turned out, if he does his duty—I beseech you, pardon me for telling you so.

Sir *Eliab Harvey.*] I desire examples may be made in *London* as well as in the country. I desire that *Colker*, the nominal Bishop of *London*, now in *Newgate*, may be tryed, and that it be part of the Address, that a Commission of Oyer and Terminer may be, &c. for the City of *London.*

Sir *Thomas Lee*, *upon Serjeant* Streete's *argument*, *&c.*] I desire to know, whether the King cannot send out special Commissions of Oyer and Terminer?

Mr *Williams.*] In 26 and 34 *Hen* VIII. the Courts of the grand Sessions of *Wales* are made standing Courts and standing Justice, but, no doubt, the Law gave not the King that power; he might have done it before 26 *Hen.* VIII. I am abundantly satisfied that the King may try them by Commission of Oyer and Terminer, out of Session.

Serjeant *Maynard.*] There are no negative words in the Statute; the King might do it before the Statute, and may do it still: But tryal of them in an adjacent county, that may be a question—A Commission of Oyer and Terminer in *England* is a Commission at common Law, and if in *England*, why not in *Wales?* But to be tryed in an adjacent county, I doubt that.

Mr Sollicitor *Winnington.*] *Boni judicis est exemplificare jurisdictionem suam.* No man doubts but the King may grant a Commission of Oyer and Terminer, in and out of Assize-time and Terms of *Wales.* There was one *Rice Thomas* tryed in an adjacent county, at *Hereford*, and it was the opinion of all the Judges. I would address the King for a Commission of Oyer and Terminer, and no doubt

doubt but they that have the care of it will ſee that it be done according to Law.

[The Addreſs was agreed to by the Houſe.]

Sir *Edward Dering*.] We have made many Addreſſes to the King, and ſeveral Proclamations have been ſent out; but when all is done, they have not the force nor countenance of a Law. It is now fourteen days ſince we voted, "that there was a Plot and Conſpiracy of the Papiſts, &c." and the Lords promiſed their concurrence for remedies for preſervation of the King's Perſon, &c. Nothing yet is done in it; nor is the King's Speech conſidered, though we ſat upon an unuſual day (*Sunday.*) Are we bolder than we were, or ſafer? I think not. The people will think of the danger, according as we apply remedies to it. I declare, if nothing be done this Seſſion for the Proteſtant Religion, we have nothing remains but to make our graves, and lie down in them—I hope the means will be ſuch as will rather import increaſe of your apprehenſions than diminiſh them—I move, therefore, that you will not riſe before you order a day to conſider of ſome effectual remedy for the danger you are in.

Sir *George Downing*.] The King has not only given you leave to bring in a Bill for ſecuring the Proteſtant Religion, &c. in the Succeſſion, &c. but has provoked you to it particularly. You ſee what is done, and nobody convicted—Firſt, the way of conviction is ſo difficult, and then, there is no execution of it. In *Sweden*, they have the effect of the Law of gelding Prieſts and *Jeſuits*: They executed it upon the leaders, and have never been troubled with them ſince.

Sir *Thomas Lee*.] We have had Proclamation upon Proclamation for the forces to come out of *France*; and as long as *French* counſels prevailed, they came not over. At laſt they came, when the King had made us believe we ſhould have War with *France*, and then they came at a time, when, perhaps, you had no mind of their company. It was about the time of the Plot.

Sir *Thomas Clarges*.] There is ſome *remora* as to our proceedings. The Attorney General is not yet inſtruct-

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ed in the Indictments, &c. but till we have ſatisfaction of the Lords in that great Bill before them, I expect no better. Therefore I move that we may break form for once, and that the Speaker may go himſelf, with the whole Houſe, to put the Lords in mind of that Bill—We ſhall never do good, till that fountain be uncorrupt.

Mr *William Harbord.*] I am ſurprized that we are meddling only with an Addreſs to put the Laws in execution againſt Prieſts and *Jeſuits*. It is not ten or twelve Prieſts to be hanged that will do our buſineſs; but I ſee the danger is ſo great, let every Gentleman lay his hand upon his heart—The danger is, as to our Lives, and Liberties, and Religion, and all we have dear to us in the world. I center my happineſs on the preſervation of the King's Perſon. I proteſt I never go to bed but I expect, the next morning, to hear of the King's being killed—There is nothing ſo neceſſary to you as the care of the King's Perſon. I have not the honour to ſee the King often, and I know not what care is taken of him—I would therefore appoint ſome time, this afternoon, to take that into conſideration; eſpecially when *Staley*, a Catholic, ſaid yeſterday, "That if nobody would kill the King, he would." The caſe being ſo, let us all expreſs our loyalty—We are told, "That the Bill we ſent up to the Lords, about the Oaths and the Teſt to Members, has not received that good uſage as formerly, but is laid aſide; and that a great many perſons that paſs for good Proteſtants oppoſe it with all their reaſon imaginable." This urges me to move you, that all perſons that oppoſe theſe things may be removed from the King's Perſon and Councils—Let him be never ſo great, he is not too big to be removed—Pray ſit this afternoon, and conſider it.

Mr Secretary *Coventry.*] The ſafety of us all is in the King's Perſon, I agree; but I have wondered at one omiſſion. In the Proclamation for diſcoverers of the murder of Sir *Edmundbury Godfrey*, there was a reward: Mr *Oates* came in voluntarily, and diſcovered the intention of the King's murder, without any condition of Pardon. As yet there has been no Proclamation of reward

for

for diſcovery of that deſign—I cannot go along with *Harbord*, &c. for "removing from the King's Councils the obſtructors of the Bill with the Lords." We are in great danger by the Plot, &c. but no man can bring us into greater danger, than to take notice of what is done in the Houſe of Lords—If you vote that, you take notice of what is done there. It is the opinion of the Houſe, that, when your Bill is returned, then you may take notice of the delay—If once we come to confound Privileges of Parliament, I know not what that will come to. I would rather ſit long in the forenoon than adjourn to the afternoon—You have Committees depending, and I would have this matter conſidered another day.

Mr *Bennet*.] I will not enquire into the Lords actions, but when men of that Houſe talk high (Lord *Halifax*) without doors, and within are for Popery; when a Miniſter of State ſhall plead for Popery; if he be not a Papiſt, that man is obliged to Papiſts for his being there—I have ſaid always, and am ſtill of the ſame mind, "that if the Duke be a Papiſt, you muſt come there and remove him." If that be hard, then tolerate Papiſts, and that is eaſy; and you may let the King's throat be cut by *Iriſh* Papiſts—*Monday* is appointed to conſider of the Duke's removal from the King's Preſence and Councils, &c. and till that day I will think of nothing elſe, and by it ſtand and fall.

Sir *William Hickman*.] Though we cannot take notice of what is done in the Lords Houſe, yet we may ſay that the Bill goes not on. Therefore I would remind them of it.

Sir *Thomas Lee*.] When a pleureſy is in the caſe, a phyſician will not tell you how much blood he will take from his patient, but ſurely he will not take away all, but by little and little, not to kill him—Do this matter, in the Addreſs to the Lords, by degrees.

Mr *Waller*.] I have my fears of the King's life, &c. and if any man be not afraid of it, I am afraid of him. The greateſt fence about the King, is to order matters ſo as that the Papiſts ſhall be never the nearer in their deſign to ſettle Popery, if they ſhould take away the King, by making unalterable Laws; and then you may have your

your ends—This is not the firſt time you have urged the Lords about diſpatch of Bills. In *Edward* the ſixth's time we had the Reformation carried on by the *Seymours* (the Speaker's family.) Queen *Mary* was devout in her way; but ſhe would not return the Abbey-lands to the Fryars, though ſhe did the *Roman* Religion. The Parliament then loved their Religion well, but their Lands better. By this Bill with the Lords, *ipſo facto* a man loſes his place in both Houſes if he takes not the Oaths and Teſt. Take off one wheel, and the coach cannot go. If Queen *Mary* would not comply with the Houſe of Commons, they would not comply with her—When the Powder-treaſon was, there were no Lords in the Plot, and ſo they had no Oaths given them (though ſome were impriſoned for miſpriſion.) But there are Lords in this Plot now—The Lords ſay, "it is againſt their inheritance to be put out of the Houſe, if they take not the Oaths." But the Commons have hitherto narrowed their inheritance, by taking the Oaths, &c. at the door, before we take our places, which the Lords did not. Have not the Lords parted with two thirds of their inheritance, in the Statute of conviction for Popery? In 1642 ſome Lords went away to the King at *Oxford*, and ſome ſtayed at *Weſtminſter*, and both ſat as the Houſe of Lords, &c. but it is ſtrange that ſome Lords ſhould ſit in the Houſe by one Supremacy, and ſome by another—I would go in a body to remind the Lords of our Bill, but I would have you conſider of Precedents for doing it.

Mr *Bennet*, *on Mr* Pepys's *proffering to have the Navy conſidered.*] If *Pepys* can give you an account how Popery came to be planted in the Navy, I would hear him willingly.

Mr *Hampden.*] This Bill is not only obſtructed by the Papiſts, for there are not Popiſh Lords enough to obſtruct it only. I move that the Speaker may go up to the Lords with the Mace, and tell the Lords, "that this Houſe conceives this Bill to be of great importance, and deſires their Lordſhips to diſpatch it." The thing has been done before.

Sir

Sir *William Coventry.*] I like very well to quicken the Lords in paſſing this Bill. The apprehenſion is that you go a new way; and by the artifice that may be uſed that you go a new way, may create yet more delay in the Lords. As we hear what paſſes in the Lords Houſe, they hear what paſſes in ours. I ſpeak not to retard the buſineſs. Thoſe who make uſe of artifices to retard the Bill now, will much more upon your doing a new thing, as this way of Meſſage is.

Lord *Cavendiſh.*] The conſpiracy againſt the King's Life, Religion, and the Government, is a new thing, and therefore no wonder new remedies are applied—I would tell the Lords, "that, till this Bill paſs, they make an obſtruction to the remedies for preſervation of the Nation."

Sir *Nicholas Carew.*] I am much taken with our zeal for this Bill, but I would have Precedents for what we do. If there be none, it may be an obſtruction to what you are about. I would give no juſt cauſe of offence to the Lords—If there be Precedents, I am for it; if not, I am againſt it.

Mr *Powle.*] I am as much for getting this Bill diſpatched as any man, and there is nothing more proper to preſerve the King's Perſon than the removing Papiſts from his Preſence and Councils; but I am not much for this way. My reading and experience do not furniſh me with much of this kind. Will you go to the Lords Bar bare-headed, as you do when the King is there? And conſider whether it will be agreeable to your dignity to go, as a Houſe, in a body. What is done at Conferences and Meſſages, is done only as Meſſengers of the Houſe.

Sir *Thomas Lee.*] You are not yet prepared for Precedents in this thing. It is too low for you to go in a body, and that is a reſpect the Lords cannot quarrel at—At a Conference our Managers go bare; and that is the whole Houſe that goes, and it is becauſe the King is ſuppoſed to be there. There is no danger that the Lords will quarrel with you for giving them reſpect; but whether it will become

become your dignity to do it, pray conſider. I believe there are precedents of doing it.

Mr Sollicitor *Winnington.*] I am little experienced in theſe proceedings, but I have conferred with ancient Members about them. As to the Meſſage to the Lords, &c. all agree; but if carried in an unuſual manner, the Lords will take exceptions. As we cannot but hear what they do, ſo they hear what we do. Therefore, when all is at ſtake, we know not how ſome ſtroke may be given. We are unanimous for going to the Lords; let ſome honourable Perſon carry the Meſſage.

Mr Secretary *Coventry* carried the Meſſage thus:

"The Knights, Citizens, and Burgeſſes in Parliament aſſembled, reflecting on the imminent dangers wherein the kingdom is involved, by the reſtleſs Conſpiracies of Popiſh Recuſants againſt his Majeſty's Perſon, and the Religion and Government eſtabliſhed, do find themſelves neceſſitated to remind your Lordſhips for a ſpeedy proceeding on the Bill before you, entitled, "An Act, &c." without which they think themſelves unable to prepare any effectual remedies to prevent the evils that hang over us."

Monday, November 18.

[Mr *Bedlow* was ordered to be forthwith ſent for.]

Mr *Sacheverell.*] I move you to conſider, whether, in honour, you can put Mr *Bedlow* upon naming perſons concerned in the Plot, till he has his Pardon from the King. Now I doubt whether, if the King gives him his Pardon, that can do him good, his Confeſſion being to the Parliament; and we know not how thoſe great perſons he may accuſe may interpoſe to prevent his Pardon. Now conſider whether it is for your honour to put this man into danger, before you ſecure him his Pardon. You may, in a few lines, in an Act of Parliament, aſſure him of his Pardon.

Mr Secretary *Coventry.*] Mr *Bedlow*'s Pardon was ordered by the King's immediate Warrant, and did not paſs by the uſual form.

Mr *Sacheverell.*] I am contented, if you let him know

that the Houſe has ſent for him to know what he has to ſay, without aſking any queſtions.

Sir *Thomas Lee.*] I oppoſe not what the Speaker ſays, "That none be ſuffered to go out of the Houſe." You ſaw, the other day, that Colonel *Macarty* knew what you were doing. There are windows, as well as doors. I would have the outward doors ſhut.

The Speaker.] You break your Orders yourſelves; Gentlemen going about, from place to place, to ſollicit their own buſineſs.

Ordered, That the doors be ſhut, and no Members go out*, &c.

Mr *Bedlow* was brought to the Bar.

The Speaker ſaid to him,] You are brought hither, by your own deſire, to inform the Houſe of matters relating to the Popiſh Plot.

Mr *Bedlow.*] I had ſooner informed the Houſe of what I know, but I had no aſſurance of my Pardon. I have drawn a Narrative of what I can inform you; and I give it upon the Oath I have taken before the Lords.—*And then he gave an account of the ſeveral Lords, and Gentlemen, and Prieſts engaged in the Plot, the numbers of men, and ſums of money they were to bring in; and that all the Catholics of* England *were engaged to be ready, upon the Sacrament (as is to be fully ſeen in the printed relations) at the King's death; and then ſaid*, I hope I am ſure of my Pardon, for I have many great men my enemies."

The Speaker.] You have the Houſe for your friend, and aſſurance of your Pardon.

Bedlow withdrew.

Sir *Nicholas Carew.*] After ſuch an Information as this, I would not ſit ſtill, and let thoſe perſons, he has accuſed, eſcape. I move that Mr *Bedlow* may go to my Lord Chief Juſtice, and make Oath of the Information he has given here, that the perſons may be ſeized.

Sir *John Knight.*] One that *Bedlow* informs againſt, *viz.* Sir *Henry Tichbourn*, is mentioned in *Coleman*'s letters, a great emiſſary of the Pope's. I would have it as *Carew* moves.

* This is not mentioned in the Journal.

Sir

Sir *Thomas Lee.*] In all matters about the town, within the Chief Juſtice's eye, his Warrants have been ſent out; but for perſons out of town I cannot yet hear he has ſent any. I know not whether Sir *Francis Ratcliffe* (one accuſed) is yet ſeized. The Lord Chief Juſtice has not ſuch Meſſengers as others of the Miniſters have.

Then the Speaker read Mr *Bedlow*'s Paper of Information.

Sir *Trevor Williams.*] I move to have Lord *Carrington** ſeized and ſecured, and that you would addreſs the Lords to have it done.

Mr *Bennet.*] I would have thoſe ſecured that are particularly named, under good ſecurity for their appearance. As for the Lords accuſed that are at liberty, I would either impeach them, or ſend to the Lords to ſecure them.

Mr *Sacheverell.*] The beſt ſecurity for their appearance is, to ſend to the Lord-Lieutenants of the Counties to ſecure all their horſes.

Sir *Eliab Harvey.*] The Papiſts generally have now extraordinary horſes; four or five more than ordinary.

Mr *Williams.*] You find ſeveral perſons accuſed of High Treaſon, and now you have more confirmation. You took a method ſome time ſince, and you are not juſt to thoſe in priſon, if you go not the ſame way as you have done with them. You ſent to the Lord Chief Juſtice to iſſue out his Warrants for them, and I would do ſo now.

Mr Sollicitor *Winnington.*] If thoſe particulars that Mr *Bedlow* has communicated to you, had been to the Lords, then it had been proper for you to have gone another way; but they having been firſt communicated to us, we muſt do our duty. One part of Mr *Bedlow*'s Information is very particular, the other is general, of the Conſpiracy all over *England.* If you will direct that this

* *Bedlow*, in his ſecond examination, depoſed, that Lord *Carrington* was in the conſpiracy, and alſo Lord *Brudenell*; and that Lord *Carrington* was to raiſe 5000*l.* and a proportionable number of men, in order to join Lord *Bellaſis.* Lord *Carrington* was committed next day to the cuſtody of the Black Rod.

man may give Oath of his Information, or what expedient you will uſe if it can be, it may be better than before —If any man ſwears Treaſon againſt another, any Magiſtrate may commit the greateſt ſubject as well as the be gar—Therefore I move that you will ſend to my Lord Chief Juſtice, to give him notice to come hither, and give Mr *Bedlow* his Oath.

Sir *Thomas Lee.*] Though the Houſe of Commons cannot give an Oath, yet they may go to the Lords, and immediately impeach the perſons accuſed, without Juſtices of the Peace taking the accuſation upon Oath— The method of Parliament is, that if any man ſay otherwiſe, upon Oath, to the Houſe of Peers, than he has ſaid to you, you may puniſh him—In the caſe of Lord *Clarendon*, he was accuſed generally, without ſpecial matter; though then there was ſome little diſpute with the Lords about it, yet this is a ground of ſpecial matter, and you may go up to the Lords with it.

Colonel *Titus.*] I had rather that theſe perſons accuſed ſhould not be puniſhed, than that they ſhould have power of puniſhing me—I would have their horſes ſecured, and a farther ſearch for arms—I would not have the way changed we were in. Let my Lord Chief Juſtice give Mr *Bedlow* his Oath; you have had good ſucceſs in it, and I would go the ſame way.

Sir *John Ernly.*] This Information of Mr *Bedlow* agrees ſo well with Mr *Oates*, that it confirms his teſtimony. (*And then he gave an account of ſome parties that were ſeen in* Glouceſterſhire, *armed and well horſed*, &c.) I would therefore go the ſame way as we did before, by my Lord Chief Juſtice's iſſuing out his Warrants to apprehend theſe perſons accuſed.

Sir *Gilbert Gerrard.*] I ſpeak to another point. The King is in greater danger than ever; the Papiſts are univerſally in the Plot. This is not the way, to take horſes from them; they are all gone—I move that an Addreſs be made to the King, that he command at leaſt half of the Militia of *England* to be in readineſs, till we are in ſome meaſure ſecure from the attempts of the Papiſts.

Mr

Mr *Bennet.*] Now to ſpeak plain, if ever *Whitehall* has a ready guard in pay, you will not have the Militia. Why cannot the Militia be ready as well as men for 8*d.* a day? Let the Militia be in order, and then conſider of diſmiſſing the Army.

Mr *Vaughan.*] The begetting new Motions is no great wonder in the danger we are in. Thoſe moved firſt are your firſt conſideration; the reſt may be after-conſideration.

The Speaker.] Here is a concurrence to all Motions. There remains nothing but to put the ſeveral Motions to the Queſtion, in order.

Ordered, That Mr Sollicitor General and Mr *Williams* do attend my Lord Chief Juſtice of the *King's Bench*, to deſire him to come to this Houſe to receive Mr *Bedlow*'s Information upon Oath.

Mr Sollicitor General reports, That, in obedience to the above Order, Mr *Williams* and himſelf gave intimation to my Lord Chief Juſtice, &c. who did immediately repair to the Houſe, and, according to his wonted diligence and chearfulneſs, is ready at the door to attend you. *He was called in. Then*

The Speaker ſaid,] We have had farther Information and diſcovery of the Plot, which is the occaſion of your Lordſhip's preſence here—The Houſe has full experience of your Lordſhip, and they need uſe no arguments to awaken your zeal, whoſe actions have been one continued act of duty and loyalty to his Majeſty—That there may be no diſcovery of the evidence, there is a perſon in the Speaker's Chamber, who does deſire your Lordſhip to take his Oath to an Information relating to the Plot.

Lord Chief Juſtice.] Mr Speaker, you ſhall find me the ſame man, and nothing, on my part, ſhall be wanting—When a knife is at my throat, I will pluck it away, and I ſhall not ſtand upon uſual forms—I ſhall do your commands with all chearfulneſs.

[The Lord Chief Juſtice then withdrew into the Speaker's Chamber.]

Sir *Samuel Barnardiſton.*] You have had ſeveral motions made; pray give me leave to make one. Mr *Arthur*, the Merchant, has 100,000*l.* to lend them for the Conſpiracy. I deſire a particular Warrant to ſearch his houſe, to ſeize his perſon, and his papers. I believe it may be for your ſervice.

Mr *Powle.*] I ſhall revive the Motion for ſecuring ourſelves by the Militia. The laſt reſort of our ſafety is the power of the Laws, elſe they are but ſo many pieces of parchment—Your legal force I would have countenanced—I deſire that we may move the King to have a third part of the Militia in a poſture to defend us, and ſo to go round *England.*

Mr Sollicitor *Winnington.*] My Lord Chief Juſtice craves leave to have one of his Clerks to aſſiſt him, one very dextrous at taking examinations. He deſires leave that he may come to him. The doors are ſhut, and without your leave he cannot come in. *Leave was granted.*

Sir *Adam Brown.*] Moſt Papiſts reſort to *Epſom*, and if you have but one third part of the Militia of that county in readineſs, they may riſe and beat them—I am loth to put the county to more charges than need. But though our county (*Surry*) has but one Militia Troop, yet Prince *Rupert*, who is Lord Lieutenant, will, I am ſure, take all the care he can to keep them quiet.

Colonel *Birch.*] That the burden may be equal, all *England* over, I would have one third part of the Militia certain in readineſs.

Sir *Richard Ingoldſby.*] I think the horſe of the Militia are moſt convenient to be employed. That charge lies upon the Gentlemen only. The foot are uſeleſs, and moſtly lying upon the poorer ſort—The horſe can be every where in the country.

Mr *Bennet.*] The great end of my Motion was, that the Militia might be guards to the King, and ſo learn the uſe of their arms, and that the King might have no farther uſe of an Army.

Mr *Hampden.*] You cannot do too much for your ſafety, and no man is more ready to contribute to it than I am. But I deſire you not to go an arbitrary way in this. Appoint a Committee to know how the Law of the Militia ſtands, and then you may reſolve upon ſomething.

Sir *Thomas Meres.*] Upon imminent danger no man will grudge doing ſomething extraordinary. I may tell you, that the King, Lords, and Commons can make an Ordi-

Ordinance (which has the power of a Law) for the preſent uſe of the Militia, till a Law may be made. You cannot make a ſhoe to fit every foot.

Mr *Sacheverell.*] I am ever for that, in all we do, not to go beyond the Law. In ſome counties this cannot be done. I would therefore inſpect the Law of the Militia; and if you will cauſe an inſpection to be made into the Law, as is moved, I am for it; elſe againſt it.

Colonel *Titus.*] Can there be a greater Law broken than blowing up a man's houſe to prevent ſpreading of a fire? Your danger is great. If you ſtay for a Law, you may have your throats cut in the mean time; therefore I move that you would addreſs the King, &c.

Sir *Robert Sawyer.*] If you cannot give the kingdom an account in forty days that they are in ſafety, it will be paſt remedy, and one third part of the Militia may do it. I would alſo have the Sheriff, with the *Poſſe Comitatus* of the county, be ready to ſeize upon Papiſts, and help the Militia upon occaſion. And, as it was done in Queen *Elizabeth*'s time, the principal Members of the Popiſh body in all counties may be ſeized—By Law, when the Kingdom is in danger, thoſe perſons who are the authors of that danger ſhould be ſecured.

Sir *Thomas Lee.*] I am not of opinion, that, whilſt the Parliament is ſitting, you may go beyond Law. You may adviſe one thing, and the Lords of the Council another, and both againſt Law. The Law of the Militia is, "That they are to be upon ſervice ſo many days, unleſs the King and the Privy Council think it neceſſary to be continued longer, &c. and then they are to be reimburſed, &c." If at your requeſt the Militia ſhould proceed to more days, before this goes round, you may make an Act of Parliament to ſupply the defect of the power of keeping them together—I hope this extraordinary duty of the Militia will not be done in our county *(Bucks)* for we have already three troops of horſe quartered upon us, and that is ſufficient to ſecure us, I hope, and we need not raiſe the Militia.

Reſolved, That an humble Addreſs be made to his Majeſty, that the Militia of the ſeveral counties may be in readineſs, and that a third part of them may be raiſed for a fortnight, and that there be a farther ſearch for Papiſts arms.

Mr *Vaughan.*] You cannot anſwer taking away their goods, their horſes: But they ought to give good reaſon for their ſupernumerary horſes, or let them be impriſoned.

Colonel *Birch.*] I am not for ſeizing the Papiſts horſes. It may ſerve a turn at one time and another too—I am againſt it upon any terms at all.

Mr *Powle.*] What is done, by the advice of the Lords and Commons to the King, has the force of a Law, and there is a great deal of difference, in the force, from what is done by the Privy Council—I would have the Committee inſtructed for power to pay the Militia upon extraordinary occaſions.

Mr *Sacheverell.*] Now that perſons are conſtituted into ſeveral Offices and Employments by the Pope, I have a letter in my hand, that gives an account of ſeveral Popiſh Officers that have received Commiſſions ſince the Houſe ſat down; and ſeveral Commiſſions were ſigned by a Member of the Houſe, a Secretary of State, [*Williamſon.*] The Recorder of *Cheſter** can give you a farther account of it. If this be true, all you can do for your ſafety is to no purpoſe—Sixty Commiſſions to Popiſh Officers have been ſigned ſince the 20th of *October*.

Mr Secretary *Williamſon.*] Thoſe perſons that had the Commiſſions were diſmiſſed; and there was no uſe of them in *England*, and, by the King's command, they were ſent into *Ireland*. They were perſons turned out by the Duke of *Monmouth*, and were to be taken notice of as perſons diſmiſſed. It is true, that, upon examination, in my Office, *Macarty*'s, which had been *Dungan*'s, four regiments, the Commiſſions were given out free, without fee. It is not poſſible to know, nor is it our part to know, who they are that have the Commiſſions, but the General ſent the Commiſſions to the Secretaries, and what the men are muſt be anſwered elſewhere.

* Sir *George Jeffreys*, afterwards Lord Chancellor, &c.

Mr

Mr *Sacheverell.*] Since the matter is before you, I desire to know what need these men had for Commissions, being dismissed from their employments? Next, whether there are not Commissions granted with Warrants of Dispensation from the Oaths and Test to several Officers quartered here about town?

Mr Secretary *Williamson.*] There was an Order from the King, since the Plot, to dismiss all the Popish Officers. All Orders are signed by the King, since the Duke of *Albemarle*'s death, and the Secretaries do countersign them: The Orders are all concerted betwixt the King and the Duke of *Monmouth.* I must own the countersigning them, as I received them from the Secretary at War. The Secretary of State never concerns himself to look into the inside of any of them—This, I told the Duke of *Monmouth*, he must answer for, if I was called upon.

Mr *Sacheverell.*] I am not answered to matter of fact, *viz.* whether Commissions were not granted to Popish Officers since the 20th of *October*, and Commissions of Dispensation granted out for taking the Oaths, &c.?

Mr *Williams.*] The Mayor of *Chester*, ever since the Proclamation, has been very watchful in stopping suspected persons. In *October* there came a person to *Chester*, well armed and mounted. He had a Commission about him for Captain, Lieutenant, and Ensign, delivered him out the last *Sunday* in *October.* Some pay they had upon this Commission. Upon his confession, he appeared to be a Papist, and the Secretaries were acquainted with it: Whether the Mayor delivered the Commission back again, I cannot tell. The men have their liberty, though their arms are in custody.

Serjeant *Gregory.*] The Committee sent to the Commissary of the Musters to know what Officers had not received the Sacrament, &c. They gave us an account of several regiments lately mustered, that had not taken the Oaths, nor the Sacrament, &c. And the Muster-master brought their Dispensation. There were commissioned, and non-commissioned, Officers, that were dispensed with for the Oaths and Sacrament, &c. Catholics and Protestants

ants that have not had opportunity to take them, &c. The Earl of *Dunbarton*'s regiment, that was called from *France*, had this Order, &c. *viz.* "As you ſhall receive inſtructions from the Duke of *Monmouth*, you are to diſpenſe with, though they have not taken the Oaths." *Signed*, "*Williamſon*." Lord *Douglas*'s eight companies of the *Scotch* regiment were to paſs the rolls of the Offices, and to paſs the muſters; though they have not raiſed their men, they are to allow and paſs them as before *July* 3, 1678. "To *Henry Howard*, Eſquire, and Sir *Cecil Howard*, Knight."

Mr *Sacheverell.*] Theſe few were of a great number before the Committee. Now I would be anſwered to matter of fact, whether, in *October*, theſe were not ſigned by the Secretary?

Mr Secretary *Williamſon.*] I believe it was upon that day, as is ſaid.

Lord *Cavendiſh.*] I am of opinion, that a ſtanding Army, in time of Peace, whether the Officers be Popiſh or Proteſtant, is illegal—But I will not now interrupt matters of greater importance.

Mr Secretary *Williamſon.*] I do not deny, but that, during our ſitting, and during the Conſpiracy, Commiſſions have been given out to Popiſh Officers, and they are diſpenſed with for the Oaths, &c. but wherever perſons are found out, that are the authors of it, they deſerve to be made an example.

Sir *Francis Drake.*] It appears plainly, that the Secretary, your Member (and you ſitting) has given out Warrants contrary to Law, with *non obſtantes* for taking the Oaths, &c. and in this time of danger, when the King's life is concerned—I would have him withdraw, that you may conſider what to do with him.

Mr Secretary *Coventry.*] No Muſter-maſter can obey a Secretary of State againſt Law. And the Muſter-maſter is not to muſter the man but according to Law.

Sir *Gilbert Gerrard.*] I am ſorry to ſtand up upon this occaſion, that I muſt ſee a Miniſter of State, who ſhould be a bulwark againſt Popery, ſign Commiſſions and diſpenſations, &c. to Popiſh Officers. If you allow not that

that the King can do no wrong, there is an end of the Government; it is the Miniſters that do the wrong—You can do no leſs than ſend *Williamſon* to the *Tower*—And that is my Motion.

Sir *Eliab Harvey.*] We now ſee pretty well what condition all Proteſtant Officers are in, the City being ſurrounded with Popiſh Officers. We have heard of Diſpenſations for taking the Oaths, at a Chapel, from the Pope, &c. and yet all Oaths and Teſts are diſpenſed with here too—If the Miniſters do at this rate, you muſt not only ſend one Miniſter to the *Tower*, but all.

Mr *Onſlow.*] Ten weeks ago, a Bull was ſet up, at St *James*'s Chapel, with orders to all Confeſſors to abſolve men for taking the Oaths and the Teſt.

Colonel *Titus.*] Under this notion, all the Miniſters may be ſent to the *Tower*, and we ſhall have none—You have one Miniſter before you now. No doubt, all matters of Law the Judges muſt anſwer, and all matters of State the Miniſters—This is plain matter of fact: The perſon concerned is in the Houſe; and, according to Order of Parliament, he muſt withdraw.

Sir *Chriſtopher Muſgrave.*] I hear Gentlemen call "withdraw," but before the matter of fact be ſtated—Secretary *Williamſon*'s part may have been little in this matter of the Commiſſions. The King can do no wrong, and if *Williamſon* did not adviſe this, he has done no fault. He did not adviſe the Diſpenſation, nor prepare it. I have been with him, when ſeveral Orders have been brought. His chamber-keeper told him, "they came from the Commiſſary at War." He ſaid, "he knew them not, but ſigns them of courſe." If he was neither the adviſer nor promoter of them, lay the fault where it is.

Sir *John Birkenhead.*] Forty years ago, a Commiſſion was iſſued out to the Governor of *Ludlow*, that no man ſhould be paramount over him: Lord *Capel*'s Commiſſion was to ſuperſede all: Lord *Digby* moved the late King, that no Commiſſion might be valid that was not ſigned by a Secretary of State—I have known particularly that they have been firſt ſhaped and formed by the Secretary at War, and

and allowed by the Secretary of State, to avoid clashing about it.

Sir *Robert Howard.*] I will not repeat *Birkenhead*'s argument, for fear of doing *Williamson* more hurt than I design him. We must search out, it seems, who advised the King [to grant] these Commissions, and the King must be a witness against him—Matter of fact is stated, and it is hard that Honourable Gentleman should be singled out, in the middle, betwixt the original and the execution; but it is strange, that such things as these Commissions, &c. should go in a cluster of things not examined: Now come crowds of things against Law, in an ill time; but on the other side, these things came to *Williamson* from a superior hand, and he but intermediate. It is hard to bid him yet withdraw, before you go to the bottom of it.

Mr *Vaughan.*] At a time when the King's Life is at stake, and a Rebellion intended, and this done now, an Act of Parliament against it, when all this is in motion, and you examining the Plot, and such Commissions signed, who is criminal? *Williamson* is a Privy Counsellor, and he might have advised the King not to have done it. He cannot sit here to judge in his own cause; and he is visibly criminal to us, till it be made out upon other persons, and he must withdraw.

A Gentleman said privately, "That if *Williamson* signed what he knew, he was a knave; if he signed what he knew not, he was a fool."

Colonel *Birch.*] The best argument I have heard is, "that this thing has been done formerly;" but if these things had not been done, we had not had them again now. *Williamson* might have said, "if it was thus formerly, I dare not sign them nor allow of them." Here are Popish commissioned Officers sent into *Ireland*, and that kingdom is not free from the Plot—Shall this be said to be the Law of the land, that they must take the Oaths, and *Williamson* has heard it debated forty times here, and shall he say that it was the King's Command? I am ashamed of it. Were he my father, let him withdraw.

Sir

Sir *Nicholas Carew.*] You hear a worthy Member accuſed, but I cannot be ſilent, though I would willingly in perſonal things. Theſe commiſſioned Popiſh Officers are to go into *Ireland*. I have heard it was laid to the charge of the late old King, that he was the cauſe of the Rebellion in *Ireland*; for aught I know, people may ſay by theſe Commiſſions as they did then—I move that he may withdraw.

Mr *Williams.*] Your Member has but one way to help himſelf. He muſt either be guilty of this, or know by what counſel it was done, and I believe he will tell you.

Mr Secretary *Coventry.*] I believe you will make a difference between a man's taking the King's hand, and bringing it to the King's hand—For myſelf, it would be hard upon Secretaries. Papers brought all in a bundle, and not to be read ſcarce in a day, and I muſt counterſign them. I tell it you, only, for matter of fact.

Mr *Vaughan.*] I am ſorry diſtinctions are made to break Laws, and not to keep them—Suppoſe there ſhould be an Order from the King's hand, that ſo many men ſhould be killed; ſhall the Secretary ſet his hand to it? He ought to tell the King, that it is againſt Law.

Lord *Cavendiſh.*] By the Orders of the Houſe, "a Gentleman that is accuſed is to be heard in his place, and then he is to withdraw;" but I have heard nobody ſay that *Williamſon* is chiefly or only guilty, but all agree he is guilty of ſigning theſe Commiſſions—But yet they are of no value till they are counterſigned. If we had been ſo happy as to have removed Miniſters, according to our Addreſſes, we ſhould not have had ill Counſellors, nor been miſerable in them. *Williamſon* does not deny what he is charged with, and I ſee no reaſon why he ſhould not withdraw.

Sir *John Ernly.*] I would diſtinguiſh this thing; for I find the Commiſſions and Diſpenſations, &c. as valid without *Williamſon*'s hand, as with it. The thing was brought in uſe firſt by my Lord of *Briſtol*, in the time of the War at *Oxford*, for a 5 *l.* fee; but *Williamſon* had no fee for counterſigning the Commiſſions—I ſhall only ſay, that an officer, in the ſtation in which he ſtands, muſt

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ſtay a great while if he reads every Commiſſion before he diſpatches it—Why ſhould you extend to this ſeverity, before you have examined the whole matter?

Sir *Robert Carr.*] Examine the matter. I ſee not what force *Williamſon*'s hand is of more than without it, to ſtrengthen the Commiſſions. It was unfortunate that his hand was at them, but I would have the matter fully examined, before you come to a reſolution.

Col. *Titus.*] It is nobody's intention, that thoſe who are as faulty as *Williamſon* ſhould go ſcot-free. It is ſaid, "that it is a great taſk to look over all the Papers;" but I cannot believe that the Secretaries will commit ſo great a fault as to ſign they know not what, though they adviſed it not. I ſuppoſe that if the Lord Chancellor have a thing brought to him that is very illegal, and he adviſes the King that it is illegal, yet if he ſets the Seal to it, he is anſwerable. If this be no fault in *Williamſon*, your Acts may be all broken, at this rate. If theſe Commiſſions be of the ſame validity without ſigning, as with it, why does he ſign them? If he has nothing farther to ſay, it is the Order of the Houſe that he muſt withdraw.

Mr Secretary *Williamſon.*] I am very unhappy to be brought under this Queſtion; but I would prevent the Queſtion. The fact is plain, and for apology I cannot ſay much—All diſpatches have been under this method. I found them ſo, and I continue them ſo; they are ſingly done by the General and by the King—They are brought to the King, and he ſigns them, and in that office, ſingly, they are entered, and no where elſe—Then they are ſent to me, and it is a trouble, and no advantage, to me, to ſign them, and I ſee, by the conſequence, the danger too. This is the practice, and the conſtant practice, and it has been in the judgment of the Houſe formerly, as matter of form—I know not whether I have done my duty, but I am ſure, it is in the ſimplicity and integrity of it. I ſhall only add, that this thing ſeemed to me of ſuch conſequence, that I told the General, "I could not do it, without his owning it, and he did own it; and that I muſt ſay ſo much, if I was queſtioned for it in the Houſe."

Sir

Sir *Philip Warwick.*] I cannot anſwer the doing this thing. The ſame courſe was taken; all Commiſſions were counterſigned by the Secretary; and they always paſſed ſo: And the late Lord Treaſurer, *Southampton*, wherever he found the General's hand, (*Albemarle*) he ſigned it.

Mr Secretary *Williamſon* withdrew.

Sir *Thomas Meres.*] I cannot let it paſs, that a Secretary of State ſhall ſign Commiſſions without reading them. All things may paſs, at that rate. If they have not ſtrength to read them, let them lay them aſide. That is not a juſt and reaſonable argument for not counterſigning, and I muſt ſay ſo.

Sir *George Hungerford.*] I am againſt any thing of pardoning *Williamſon* upon his ſubmiſſion, and ſetting it only ſo upon your books, in ſuch a dangerous thing as this where the King's Perſon is concerned by Commiſſions to Popiſh Officers—I would ſend *Williamſon* to the *Tower*, for an example.

Mr *Bennet.*] Shall it be ſaid, that your Laws are broken *ex officio?* Though I would have you do ſomething; yet, in this caſe, I would not be ſo very ſevere, becauſe of the influence great men have upon the Secretaries. They muſt comply, elſe they loſe their places: They muſt loſe the profits of their diſpatches, unleſs they do this—All Papiſts may be put in Commiſſion, at this rate, in the very Guards. The danger conſidered, &c. ſending *Williamſon* to the *Tower* is no great puniſhment.

Sir *Robert Sawyer.*] "The Secretaries ſigning to prevent ſurprize," I know not the meaning of it, unleſs to put checks upon things. If it be as he ſays, "that it was through ignorance, and the thing had been long uſed," let his puniſhment be the leſs—I have ſeen a letter from *Yarmouth*, where ſome Grenadiers were quartered, and they ſaid, "they came to ſecure that place becauſe the King was ill, if the King ſhould die." I know not how the King can poſſibly be ſafe, as long as a ſword, or a dagger, is in a Papiſt's hand—I hope you will reap good from this Debate. It is time to give a check to this ſigning of Commiſſions. But whether you will ſend *Williamſon* to the *Tower*,

Tower, or no, I leave to you. But the leaſt thing you can do is a rebuke, &c. and I hope you will addreſs the King that all ſuch Commiſſions may be ſuperſeded.

Mr *Harbord.*] I think theſe Officers of State (as Secretaries, &c.) are placed by the King, to remind him of things. They are ſet there as watchmen, that the King may have no wrong: The King's Council can tell you whether they adviſed theſe Commiſſions, or no—If we do not ſomething in puniſhing and reforming theſe things, I expect very little ſucceſs of this Seſſion—You have been told of a War with *France*, and I know not what; this man has employed his parts to help all that on, the laſt Seſſion: He has deluded you ſeveral times; and now he has done the greateſt Act. I would not ſend him to the *Tower*, being the King's Miniſter, as the King may have preſent uſe of him, but I would have him put out of the Houſe.

Sir *Nicholas Carew.*] There was a time when there ſhould have been but one Secretary of State. Mr *Coleman* was to have been the ſingle Secretary of State, and I believe the King may be very well without *Williamſon*, and I move to ſend him to the *Tower*.

Mr *Papillon.*] I have been pondering this matter of the Commiſſions in my thoughts, and I am in great apprehenſions that *Williamſon* ſhould have ſigned he knows not what. It might have been to deſtroy my life and fortune. I have heard mention made of the Act of the Militia, wherein the Lord-Lieutenants and Deputies are obliged to ſwear not to oppoſe perſons commiſſioned by the King, in purſuance of ſuch Military Commiſſions. Therefore great care ſhould be taken of thoſe Commiſſions; how they are granted out that muſt not be diſobeyed. Therefore you muſt ſhow your diſpleaſure againſt this Miniſter, who ſigns he knows not what—Formerly we had no ſtanding Army; only the King's Gentlemen attended him; and what may become of us, now we have a ſtanding Army and a Plot, if ſuch Commiſſions be granted out? At this rate, *Williamſon* might have commiſſioned the Pope's Army, and theſe Commiſſions were granted out

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in *October*, in the height of the Plot. If you will not do ſomething in this, the people will believe that you apprehend no danger of Popery—This is in your power to puniſh, and you may do it, though you could not remove ill Miniſters. Therefore I move, that Secretary *Williamſon* may be made an example.

Mr *Powle*.] This I obſerve, that now we have a ſtanding Army, it ſeems, care is taken we ſhall have Popiſh Officers. I will not aggravate nor extenuate this Gentleman's crime, but if you paſs by this, you make no difference betwixt acting by, and procuring, theſe Commiſſions—This is certainly a matter of the higheſt nature. The Officer that did execute this Warrant (the Muſter-maſter) had no Warrant to juſtify him but the Sign-manual, which can give no authority for ſuſpenſion of your Laws; and theſe Commiſſions (thus granted) are equal to the late Declaration which ſuſpended ſo many Laws—I wiſh you could ſpare this Gentleman's expulſion of the Houſe, which is the higheſt puniſhment, next to life, that can be inflicted. But you cannot do leſs than ſend him to the *Tower*. And if he will confeſs the whole progreſs of this matter, I ſhall be as willing to extenuate his puniſhment, as any body.

Reſolved, That Sir *Joſeph Williamſon*, Secretary of State, be immediately ſent to the *Tower*, for ſigning Warrants for Popiſh Officers to be muſtered and receive pay, contrary to Law.

Sir *Robert Thomas*.] I move, that *Williamſon* may be kept ſo cloſe in the *Tower*, as not to be ſuffered to converſe with the five Lords, &c.

Lord *Cavendiſh*.] Here is one expreſſion in the Duke of *Monmouth*'s Commiſſions, *viz*. "To our dear and entirely beloved ſon, *James* Duke of *Monmouth*." I know no Prince of *Wales*, though I have a great honour for the Duke, &c.

Sir *Thomas Littleton*.] What Lord *Cavendiſh* has moved is of great conſequence. I am ſorry for the expreſſion in the direction of the Duke's Commiſſion—I know not what after ages will ſay to it. Neither do I know

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what to ſay—I would have you ſend for Mr *Lock* (he is called Secretary at War, but I know no ſuch Officer in Law) to attend you to-morrow, and the Muſter-maſter, that you may know whether the Officers, with theſe Commiſſions and Diſpenſations, were muſtered, and at what time.

Ordered accordingly.

The Muſter-maſters were, Mr *Henry Howard* of *Suffolk*, and Sir *Cecil Howard*; the Pay-maſter, Mr *Kingdon*.

Sir *John Pettus* produced a letter from one who met a grenadier, who halted behind his company, who ſaid, "he had double pay, &c."---A man alſo in black, who ſaid, "that the King was ſick, and if he were not dead, he was likely to be ſo in two or three days, and that they were ſent to ſecure *Yarmouth*, if that ſhould be."

Tueſday, November 19.

His Majeſty ſent a Meſſage to the Houſe of Commons, by Mr Secretary *Coventry*, "That they immediately attend him in the Banquetting-houſe," where his Majeſty ſpoke to this effect:

"That he was much ſurprized to hear, that the laſt night the Houſe had ſent his Secretary to the *Tower*; but that he would deal more kindly with them, than they had done with him, who gave him no notice of his commitment; but he gives you notice that he has ſent for him forth. As to the Commiſſions granted out, &c. he had examined the books of Entries, which were occaſioned thus. Theſe men that had the Commiſſions, came out of the *French* King's ſervice, and, to ſay no worſe, they were hardly dealt with. They came away without money, and in great want. He had no way to gratify them, but by dating their Commiſſions from the time they left the *French* ſervice, and theſe perſons had not convenient time to take the Oaths and Teſt, &c. before they went for *Flanders*, and that the Muſter-maſters, &c. ſhould pay them from the time of the date of their Commiſſions, and that he going to *Newmarket*, they had not time to take the Oaths, &c."

The Speaker, *being called upon to report the King's Speech, ſaid,*] What was ſpoken by the King was ſaid to the whole Houſe, and it is ſuppoſed all were there preſent. The Speech being long, I am unwilling to truſt to my memory to report it, for I may pretermit ſeveral things the King ſaid. *But the Speaker reported it as above.*

Sir

Sir *Edmund Wyndham*, Knight Marſhal.] The King ſaid, " he had not money to pay theſe Officers."

The Speaker.] The King ſaid, " he had no other way to provide for them but by dating their Commiſſions in that manner." And more the King ſaid, " they wanted money to pay the Secretary's fees, who was ordered that they ſhould pay nothing for their Commiſſions counterſigning."

Sir *Thomas Clarges*.] I would have the Muſter-maſter and Pay-maſter ſent for.

Sir *Thomas Lee*.] The matter before you does as much concern you as the Plot. I obſerve, that a Commiſſion to be a ſoldier is a reward for a Papiſt. The Crown is not ſo poor, ſure, but that there might have been ways found out to gratify theſe men, without breaking ſo eſſential a Law as this; and not to tell the King of theſe Commiſſions!—I will not diſpute the King's power in pardoning *Williamſon*, but if you commit a man, in reſpect of Juſtice, &c. I know not how he can be taken out of cuſtody, without the King's pardon—I would have the Committee conſider of your Privilege. In this matter of ſo great moment, I would not ſit ſtill. It ought not to be ſlided over.

Mr *Williams*.] By what I hear, as the commitment is made, it is a queſtion whether *Williamſon* may not be delivered out of cuſtody by the King, being committed by the Commons. The queſtion is a tender queſtion, and a tender time to put it in. I remember the commitment of the Lords, from the Houſe of Lords, was " during the King's pleaſure, and the pleaſure of that Houſe." One of the Lords *(Shaftſbury)* had a *Habeas Corpus*, the King's Writ, and it was a queſtion amongſt the Judges, whether a Member committed by the Lords could be releaſed by any Court but the Lords that committed him, and it was reſolved that the King, by his Writ, could not deliver a perſon committed by either Houſe of Parliament. If the King cannot do it by his Writ, how is the King to do it? It muſt be by his immediate Warrant, or by Order from the Lords of the Council, if the King cannot do it by Writ from the *King's Bench*. If the King cannot do it by Law,

then it muſt be by his Prerogative. But I know no ſuch Prerogative, if not *coram Domino Rege*, &c. Now will it be more proper or wiſe to debate the thing now, than when it is done? Whether not more proper to ſay ſomething to it now, than to ſleep upon it?

Sir *Thomas Clarges.*] This is a great argument; upon this depends all the Privilege of this Houſe. Elſe we are not able to ſerve our King and Country—I ſaid nothing to *Williamſon*'s commitment yeſterday, for I would have had it in order to his impeachment, and ſo the Commons may commit their Members. Had we been truly repreſented to the King (but we have back friends, that miſrepreſent us) they might have ſtayed till to-day to have ſeen our farther proceedings—It is ſtrange that in the Popiſh Plot twenty two Officers ſhould be ſent into *Ireland*, who, by the King's Commiſſion, may raiſe 2100 men, which may alter the Government, and we by Oath muſt not reſiſt them, becauſe commiſſioned by the King, and ſo both the King and the Government may be deſtroyed; and ſhall we ſit paſſive in it? It is the duty of the King's Miniſters, by Privy Seal, or ſome other lawful way, to command theſe men to come over again: Theſe men committing act upon act of diſobedience, muſt they be favoured? If they had obeyed the King's Proclamation, and come over from the *French* King's ſervice at the firſt, they might have been rewarded, and had a piece of money given them. I would have them ſent abroad. They are ſoldiers. There is action enough abroad to employ them, and they need not have been ſent for home.

Mr Secretary *Coventry.*] Divers of theſe Officers came not over till this ſummer, and then they were ſo neceſſitated, they had not money to pay the Secretary's fees for their Commiſſions—The Duke of *Monmouth*'s regiment and Colonel *Macarty*'s were deſigned for the War in *Flanders*—Colonel *Dungan*'s Commiſſion was to raiſe a regiment in *Ireland.* They were barely intended for the War in *Flanders*, but that not going on, the Duke of *Ormond* did preſs diſbanding them, for fear they ſhould become Tories. As for their ſtaying in *France* after the King's Procla-

Proclamation, the King has pardoned whole Kingdoms of men, and no wonder if he pardons ſo few. Was it prudent in the King to call theſe men away without any promiſe of reward? Our Houſe ſeldom puniſhes a man for doing againſt Law, and not againſt reaſon. But why did you not expreſs in your Warrant the true reaſon why *Williamſon* was ſent to the *Tower?* And ſo he is ſent not for Breach of your Privilege, or in order to an impeachment, but for doing an Act againſt Law—I would hear precedents for ſuch a commitment.

Mr *Williams.*] There was a *Habeas Corpus* granted to Lord *Shaftſbury* from the *King's Bench*, and a return made of it. But the queſtion was not, whether his commitment was legal or illegal. The Judges were of opinion, "that, ſince he was committed by the Lords, they could not examine the cauſe of his commitment." If you erred yeſterday in the Order for *Williamſon*'s commitment, you may mend it to day. But ſhall any Court examine your commitment? It is too big for any Court to do it, and that I ſtand by.

Sir *Thomas Meres.*] It looks ſtrangely to me what is ſaid, "that this commitment is only for Breach of a Law." It is the only Law we have had any effect of, againſt Popery—Every body ſaid, again and again, there was a Plot, and we have had very little help in the diſcovery of it from the greateſt Miniſters. It was laid by for ſix weeks, and inſtead of help to diſcover it, we have had helping it on. What acting has here been to ſet up men to tear us in pieces and cut our throats! Is not this an offence againſt the Houſe? Show me that Law for reſtraining the liberty of the Houſe in this commitment—Do we not turn Papiſts out of the Houſe? Theſe are plain things, and we may turn *Williamſon* out of the Houſe—It is a very ill thing to call our power in queſtion, and of ill conſequence. I am ſorry that this preſſes on the thing, it may be, more than you intended it. But plainly this commitment is in order to impeachment, though nothing was ſaid of it. Probably, on his Petition he might have been heard. But if you will loſe your right and privilege of Commitment, there

is an end. So that here are two motions, one for an Addreſs to the King to prevent any farther proceedings, &c. and to ſet down methods of Privilege of this Houſe as to commitments; the other may be for an impeachment againſt him.

The Speaker.] To the queſtion, Whether a perſon may be committed by the Houſe for actions not relating to the Houſe, I give my opinion you cannot commit. On the other ſide, you have committed *Williamſon*, but this ought to be according to cuſtom of Parliament—Special cauſe of commitment is not neceſſary here, though it is in inferior Courts.

Mr *Bennet.*] I am ſorry that yeſterday, when the matter was between the Member committed and us, you gave us no advice, Mr Speaker; and now, when it is between the King and us, you adviſe. We are ſtill told, the King commands it. Though it be any thing againſt Law, Law of arms, ſtill the King, we are told, commanded it. Serjeant *Streete* ſaid, "that the Lords did not complain of their Privilege being broken by the King's releaſing one Lord out of the *Tower*, and not another." Theſe Commiſſions, &c. are no leſs than tolerating Popery in an Army of 22,000 men; but if the Speaker had minded us of this yeſterday, it might have been better. There is a great deal of buſineſs upon our hands, and this put off a greater Debate yeſterday. It is not the Miniſters do this, but he that made them, (the Duke;) from thence they have their ſuccour and aſſiſtance—No wonder this Gentleman *(Williamſon)* has riſen, ſtep by ſtep, to preferment, and he muſt obey. I move not for any ſeverity upon him. You did this in order to prevent greater puniſhment; and if it will not bear it a day or two, you may have his Petition—I would addreſs the King not to releaſe him, or adjourn the Debate.

Sir *Francis Drake.*] If you will adjourn the Debate, in the mean time I move that an impeachment may be drawn up againſt *Williamſon.*

Mr *Powle.*] I do not find directly, but obliquely, that the King touches at his Prerogative. We have no power

to

to commit our Members, but for Breach of Privilege; but when notorious crimes are done, we may commit, in order to farther proceeding. No other Court can commit him, and if you cannot commit him, he has only warning to run away. In the 18th of King *James*, Sir *Giles Mompeſſon* and Sir *Francis Mitchell* were committed about monopolies. *Mompeſſon* was a Member of the Houſe: He had a Patent for licenſing Inns, &c. He was committed by the Houſe, and yet not impeached, for he ran away. If a Member be committed to the Serjeant, (as he was,) it is the ſame thing as if committed to the *Tower*. As for the cauſe of commitment to be expreſſed in the Warrant, though we are a ſupreme Court, and no other can contradict our commitments, yet it is very neceſſary to expreſs the cauſe of commitment, to prevent running into exceſſes, if not expreſſing the cauſe—I know not well what to ſay to the King's Speech, becauſe there is no direct charge in it from the King againſt us; but this is an extraordinary way of releaſing *Williamſon*. The King's commands are not deliveries in Law—I ſhould be glad there might be ſome vindication of the Houſe in this matter, for I find miſts and repreſentations always of us to the King. I ſee that this of the Commiſſions to theſe Popiſh Officers is excuſed by ſome. I was always of opinion, that Popery could never come into *England* without force. Theſe Popiſh Officers are uſed to *French* government, and quartered here, and the new-raiſed men are ſent into *Flanders* to corrupt them in Religion. What the Houſe has done in this commitment, if amiſs, I would confeſs it, but I think as yet we are not in the wrong.

Colonel *Titus*.] It was my fortune to ſpeak in this matter of your Member, before you committed him. The caſe of Mr *Mallet* (who was committed by the Lords of the Council) was ſuppoſed for a high breach of the Peace, and ſo your Member is but as other men, he has no Privilege; but the thing of Privilege came not in diſpute. But now I am up, I will ſay ſomething of the matter before you. The Houſe ſaw the Law diſpenſed with, and we were very angry;

if we had not been ſo, they that ſent us hither would have been angry with us—We ſaw the danger, and were apprehenſive of it, and had juſt indignation againſt the Gentleman. *I roſe early* (ſays *Solomon*) *to kiſs my friend, and behold I curſe him.* The not reading over the Commiſſions was a worſe thing than the thing itſelf. I could wiſh that the Gentlemen of the Long Robe had told us yeſterday what they have ſaid of the commitment, if it be an error. But I make a queſtion, whether that man can be releaſed, though error be in the commitment, but by courſe of Law. Let us ſeriouſly conſider the conſequence; if the King by his Royal Command can diſcharge a man upon erroneous commitment, whether he cannot do it if the commitment be not erroneous—I would have the Long Robe give us their opinion.

Sir *Robert Sawyer.*] I was afraid yeſterday that you would go too far. Conſider whether the perſon is not twice puniſhed, and whether he can plead it in bar, that he has been puniſhed already by you, for his offence, &c. I doubt it cannot be pleaded in bar, for that great reaſon of being not twice puniſhed. I fear your commitment is void in that matter. I am heartily ſorry this has fallen out, ſince your very being depends upon this, and what to ſay more I cannot tell you.

Mr *Waller.*] I was not here when the commitment of this perſon was made. You have been told of the commitment of Sir *Giles Mompeſſon*, 18th of King *James*. I came into Parliament the 21ſt of King *James*, when this thing was freſh. In the Long Parliament, complaint was made of a great many monopolies, and ſome were turned out of the Houſe for them: It was a kind of garbling the Houſe, and a troubleſome time. Mr *Brunkard* and Sir *William Penn**, if I remember, kept their places when you accuſed them. You gave *Penn* a day, but he appeared not; *Brunkard* you expelled. This is a doubtful caſe, and may be of ill conſequence. You were told you were angry when you committed *Williamſon*, and it may be the commitment was the effect of the anger

* See Vol. I. p. 139-145.

of

of the Houſe. I know nothing to cure that wound. As I told you that you did it in anger, ſo take time now to conſider of it, and let the Debate be adjourned, and go to ſomething elſe now.

Colonel *Birch.*] I am not for adjourning the Debate. I would endeavour, by all means, to have a perfect underſtanding betwixt the King and this Houſe—Adjourn the Debate, and the King will ſend for your Member out of the *Tower*—*Waller* ſaid, "this commitment was the effect of anger;" but nothing will lay us ſo low as to do things out of anger; and it is not reaſon, when we are one day pleaſed, and another diſpleaſed, at the ſame thing; it ſhows weakneſs. It may be Law, that the King may diſcharge *Williamſon*, but it is againſt my little reaſon. In ſuch a time as this, ſuch a number of Popiſh Officers to be ſent into *Ireland*, on *Sunday* fortnight! Whether this tree has no root I leave you to judge—If once we come to ſay that this crime of your Member is not under the cognizance of this Houſe, what muſt the Treaſurer of War, or Muſter-maſter do here? I fear the King is not rightly poſſeſſed of our reaſons for our doings—I would have a Committee to draw up reaſons for what we have done, that it was for the King and Kingdom's ſafety, and then I would proceed to impeachment, if you will.

Sir *Anthony Irby.*] There is a precedent of ſome Deputy Lieutenants in *Cornwall*, who were ſent to the *Tower* by this Houſe, for raiſing money illegally.

Sir *Thomas Littleton.*] Unleſs you impeach this Gentleman, he may have his *Habeas Corpus*. But if an impeachment be depending, he cannot have his *Habeas Corpus*. I ſee no reaſon from the nature of the offence, but that he may have his bail, and the King's buſineſs he is employed in not hindered: For offences done without doors, unleſs the crime be againſt the Houſe, and in order to impeachment, he whom we commit, may have his *Habeas Corpus*. As for expelling a man for breaking a Law, I am not very fond of that. We all offend the Law, in ſome meaſure or other, and we may be all expelled at that rate. Therefore I like the Addreſs to requeſt his Majeſty, with

with reaſons for our commitment of *Williamſon*, not to releaſe him: If you ſtay too long, there may be inconvenience. But which way *Williamſon* can be diſcharged, I am at a loſs, for it will be a greater force of the Law to diſcharge him, than commit him, and the laſt error will be worſe than the firſt. But whether will you tarry ſo long for the making a formal Addreſs? In the mean time, I would declare ſuch an Addreſs by Vote, and for the preſent, I would acquaint the King in general, "that *Williamſon* is committed by the Houſe in order to an impeachment," and then make a Vote for an impeachment accordingly —This is a kind of double Addreſs, and is not uſual; but if you delay the matter ſome days, without doing any thing, there may be great inconvenience in it.

Mr Secretary *Coventry*.] This is your reaſon for committing Secretary *Williamſon* to day, but I heard nothing yeſterday of commitment of him "in order to impeachment." In Sir *William Penn*'s caſe, you ordered an impeachment, becauſe he had his hand in blood, and for rifling the *Eaſt India* ſhips before adjudication of prize, and then you reſolved not to give him any puniſhment, for you were but accuſers, and could not puniſh him—Adjourn the conſideration of it to another day. I would not have you claſh with the Prerogative.

The Speaker.] I never knew that you voted a man into cuſtody one day, and impeached him afterwards. This proceeding I have not known, but the contrary I have known.

Mr *Sacheverell*.] It becomes every man here not to give the King offence. But we are drawing in queſtion, whether we have done right, or not, and the King barely lays it before you as matter of unkindneſs only. Are we not more highly concerned to lay it before the King, that we have reaſon for what we have done, and to let the King know, that thoſe who have adviſed him the contrary are more unkind to him than we? You have committed *Williamſon*, and now the King tells you, "He takes him not to be guilty of the crime, and he will releaſe him." We have done nothing but for the King's intereſt, honour, and

and ſafety, and thoſe who adviſe the contrary have not done ſo. If thoſe perſons are continued about the King that firſt adviſed him to this, neither he nor we can be ſafe.

Mr *Papillon.*] I will not ſpeak to point of Law, in this matter. I am convinced that it is your beſt way to repreſent to the King your reaſons for what you did. What can endanger the King's life, but the Papiſts? It has been ſaid, "to ſecure the King's life, it is the beſt way to put it in no man's power to change the Government, ſhould he die." It is a Popiſh Army and Officers that put the King's life in danger, though the Magiſtrates be Proteſtants—I would neither diſpute the King's power, nor queſtion our own, in this matter. For I take not the King's Speech to be ſo bitter as ſome do—I would addreſs the King not to releaſe *Williamſon*, and ſhow our reaſons why we committed him.

Mr *Vaughan.*] The united ſtrength of the Government is little enough to defend itſelf, if theſe practices are ſuffered. The King ſays not "that we have committed *Williamſon* illegally," but "that he will releaſe him." Conſider this Gentleman's crime; ſigning Commiſſions to Papiſts. Conſider the circumſtance of time; and it makes it more dangerous—And the Papiſts believe that the Pope may depoſe a heretic King—They almoſt all do ſo. Theſe things conſidered, is it fit to paſs Commiſſions now to ſuch perſons? I think it highly criminal; for by diſpenſing with the Oaths of Allegiance and Supremacy, he robs the Crown of a great part of its juriſdiction. Caſtles may be put into the Pope's hands, now Commiſſions are given to ſuch people. I think this highly criminal—You ought to ſet this force upon your Addreſs, and no doubt the King will not releaſe him.

Sir *William Coventry.*] I ſhould not have ſat ſo long ſilent, if I could think of any thing, or hear from others, to bring me to a clear ſenſe in this matter. I am glad to ſee that the general ſenſe of the Houſe is for union with the King, and that the King is willing to decline all conteſt of juriſdiction with us. I think you are well adviſed in the great matter of the Addreſs, &c. If you proceed in it, I would have it done with all imaginable temper, and to go no farther

ther than this; to ſhew him the motives and reaſons that induced you to commit *Williamſon*, &c. and to ſay nothing of your juriſdiction—Your reaſons will warrant what you have done, *viz.* "That, in ſuch a time as this, ſo dangerous to the King, by reaſon of the Popiſh Plot, ſuch Commiſſions may no longer be in thoſe hands, but may be taken away from them."

Lord *Cavendiſh.*] I do not like any compounding motion. If you addreſs the King to remove theſe Commiſſions, we, in effect, authorize the reſt; nor do we expreſs any care to diſband the reſt. The Duke of *York*'s being a Papiſt is a great encouragement to the reſt. It is but of late that we have heard of aſſaſſinations, &c. We may fear them, eſpecially when the Papiſts are encouraged by a Popiſh Succeſſor and a ſtanding Army. Thoſe who deſigned raiſing the Army are guilty, &c. And thoſe that commiſſion Popiſh Officers are more to blame. *Williamſon* is guilty of both, and I would impeach him.

Mr Sollicitor *Winnington.*] This is an offence which nobody can deny to be a great one; and *Williamſon* did confeſs it, and that, without his ſigning the Commiſſions, they were ineffectual. We are not now diſputing, whether this be an offence or no—But the King is pleaſed, by his kind expreſſions in his Speech, to put no harſh expreſſions upon what we have done. If we run now into diſputes of juriſdiction with the King, &c. we may ſink under it—I move therefore that we may make an Addreſs to the King, and repreſent to him the reaſons why we committed our Member, and then give him thanks for the gracious expreſſions in his Speech; and ſhew him our care of his Perſon and Government.

Colonel *Titus.*] When perſons are accuſed to have done againſt Law and the intereſt of the nation, ſhall we ſay, "Let us condemn the thing, but ſay nothing to the perſons that have done it?" When things ſo abominable and deteſtable are done, for the thing itſelf you muſt call perſons in queſtion, to prevent ſuch deſigning for the future. Therefore I cannot agree with *Coventry*'s Motion—Let a Committee draw reaſons for what we have done,

with

with an Addreſs to the King not to releaſe *Williamſon*, and all exceptions will be taken away.

Sir *William Coventry*.] I riſe to give *Titus* ſatisfaction. I ſaid no ſingle ſyllable of "apology for *Williamſon*." I only offered that the Addreſs might be with all ſoftneſs to the King.

Colonel *Titus*.] I reflect not upon *Coventry*. There would be no remedy of the thing with effect, unleſs perſons were called in queſtion.

Serjeant *Maynard*.] You having paſſed the Debate of the great danger of any appearance of difference betwixt the Houſe and the King. As the King does not take it kindly that you have committed *Williamſon*, &c. I would ſay the ſame thing to the King, and repreſent to him, "that all that is dear to us is at ſtake when this occaſion happens, and that here were Commiſſions granted to ſuch Papiſts." And in the Addreſs ſhow the King the reaſons for what you have done, and leave the whole matter to him, without aggravating.

Sir *Thomas Lee*.] Whilſt we ſmooth the way to the King, let us not ſmooth ourſelves out of our religion. The preſent circumſtances conſidered, I agree to follow the King's method. As the King gives you reaſons for granting the Commiſſions, ſo I would give the King reaſons why we have committed *Williamſon*, with all ſmoothneſs; elſe whenever the greateſt offence is committed, it will go unpuniſhed, and when no Parliament is ſitting, there will be no puniſhment.

Sir *Thomas Clarges*.] When there was a deſign to murder the King, and an army was raiſed in *England* and *Ireland*, now to be ſaid that the King was adviſed to releaſe *Williamſon* for giving twenty-one Commiſſions to Popiſh Officers to raiſe men in *Ireland*, &c. for God's ſake conſider this!

Mr *Sacheverell*.] If you do not lay before the King theſe pernicious counſels, and deſire him to prevent them for the future, and not make this man an example, you give up the government—And I move that the King may be addreſſed not to releaſe him.

Mr

Mr Secretary *Coventry*.] In the caſe of the criminals in the Plot, my Lord Chief Juſtice did commit, you did not. The queſtion is, whether you may not commit for any matter of Law, as well as this—That breach then will be fatal.

Col. *Birch*.] I know nothing that can reflect higher upon the King than the diſcharging of *Williamſon*, eſpecially when he is committed for giving Commiſſions to Popiſh Officers in this time of danger. It may be to deſtroy both King and Kingdom. Nothing can ſo ferment in the minds of the people as this. As the King takes no notice of our Privilege or Power, ſo in the Addreſs I would take no notice of his, but let the Addreſs be "that the King would be pleaſed not to releaſe *Williamſon*, nor hearken to the advice of them that counſel him to it, which tends ſo much both to his and our ruin."

The Addreſs was voted.

Sir *Thomas Lee*.] If you add the reſt of the forces, in the Addreſs, you make that precarious which is Law already, but that the Attorney General may proſecute theſe Commiſſions.

Mr *Sacheverell*.] I take theſe perſons commiſſioned to be perſons eſtabliſhed againſt the Law of diſbanding the Army; and the Attorney General may proceed againſt them. But I would rather order a Bill to make it penal to take any Commiſſions with Diſpenſations, &c. for the future.

Sir *William Coventry*.] It is not theſe men receiving their pay that makes them criminal, but receiving theſe Commiſſions, by virtue of which they raiſe theſe men. If Sir *Edmundbury Godfrey*'s ghoſt ſhould appear, and ſay, "he was murdered againſt Law," that would not make him alive again. When we are turned out of doors by theſe men, it will be in vain to diſpute, that we are turned out againſt Law. The Attorney General may proceed againſt *Williamſon*, but there may be nicety in the point of reſiſting the King's Commiſſion, &c. Yeſterday we were about providing one third part of the Militia to be ready, for the ſafety of the nation, and now would you have

have ſuch Commiſſions as theſe in Papiſts hands to fight againſt your Militia? It is a wonderful thing to me, that people ſhould ſtay to have theſe Commiſſions taken out of their hands by the Attorney General.

Mr *Sacheverell.*] I think, *Coventry* did miſtake me—I did aſk the queſtion, whether there was not as much danger of the non-commiſſioned Officers with pay, as thoſe commiſſioned Officers without pay?—I would therefore make it part of the Addreſs, "that the King would be pleaſed to recall all Commiſſions to Papiſts, and ſuſpected Papiſts, in the Kingdoms of *England* and *Ireland*, and other of his Dominions."

The Addreſs was as follows:

"May it pleaſe your Majeſty, We your Majeſty's moſt loyal and dutiful Subjects, your Commons aſſembled in Parliament, having taken into our ſerious conſideration what your Majeſty was pleaſed to deliver to us this day in the Banquetting-houſe, and being moſt deſirous, not only to expreſs our loyalty and affections to your Majeſty's ſervice, but alſo to preſerve your Majeſty's good opinion of the manner of our Proceedings, do humbly repreſent to your Majeſty, the reaſon of our Proceedings in the commitment of Sir *Joſeph Williamſon*, a Member of our Houſe; *viz.* that divers Commiſſions were granted to Popiſh Officers, and counterſigned by the ſaid Sir *Joſeph Williamſon*, and delivered out in *October* laſt, ſince the meeting of this Houſe, and the diſcovery of the preſent Popiſh conſpiracy. Divers Warrants have alſo been produced before us, of Diſpenſations, contrary to Law, for Popiſh Officers to continue in their commands, and to be paſſed in muſter, notwithſtanding they have not taken the Oaths of Allegiance and Supremacy, and received the [bleſſed] Sacrament of the Lord's Supper, according to the late Act of Parliament in that behalf: All which ſaid Warrants were [likewiſe] counterſigned by the ſaid Sir *Joſeph Williamſon*. Which being complained of to us, and confeſſed by the ſaid Sir *Joſeph Williamſon*, in the Houſe of Commons, We your Majeſty's moſt dutiful ſubjects, having the immediate conſideration before us of the imminent danger of your Majeſty's Perſon, (the ſafety whereof is above all things moſt dear) and likewiſe the dangers, from Popiſh Plots, ſo nearly threatening the peace and ſafety of your Majeſty's Government and the Proteſtant Religion, were humbly of opinion, we could not diſcharge our duties to your Majeſty and the whole Kingdom, without the committing Sir *Joſeph Williamſon*; and therefore moſt humbly deſire that he may not be diſcharged by your Majeſty.

eſty. And we do farther moſt humbly deſire your Majeſty to recall all Commiſſions granted to all Papiſts, or reputed Papiſts, within the Kingdoms of *England* and *Ireland*, or any other your Majeſty's dominions and territories."

[*November* 20, omitted.]

Thurſday, November 21.

[The Lords ſent down the Bill for diſabling Papiſts to ſit in either Houſe of Parliament, &c. with ſome Amendments, and a Proviſo] exempting the Duke of *York* from taking the Oaths of Allegiance and Supremacy, and the Declaration, &c.

[Debate.]

Sir *Robert Markham.*] I am glad that the Lords have ſent us the Bill again, and am not ſorry for the Proviſo in it, exempting the Duke, &c. If the Duke's relation to the Crown be conſidered, there is a difference between him and other Subjects, and I move you to paſs the Proviſo.

Sir *John Ernly.*] This with a *ſalvâ conſcientiâ* to myſelf. I make a difference betwixt this Peer (the Duke) and all the reſt. The Lords have made a great ſtep in this Bill, that they have exempted no other perſons; and I cannot but ſay there is great reaſon why this perſon ſhould not be comprehended in the common calamity with the reſt. If the Duke ſhould be baniſhed, or removed (he is out of the King's Councils already) from the King's Perſon, in the circumſtances he is in, whether would it be better, to be removed, or continue in the King's eye, to be obſerved? Foreign aid, we ſee, has been treating for with the *French* King by *Coleman*—If the Jeſuitical party ſhould deſpair, and fall upon any perſon, I know not the conſequence—I fear not what can come to us, if the Duke be amongſt us. But I think in conſcience, that if we baniſh the Papiſts, and have the Duke under the King's eye, there will be no danger—There is but this one perſon exempted by the Lords, &c. and no great danger of him but what is in your power to remedy.

Sir *Winſton Churchill.*] Upon this diſadvantage, when I hear ſo loud a cry, "To the Queſtion," I ſhould not ſpeak, but to diſcharge my conſcience. Though I think not to prevail, when I heard ſo loud a cry, &c. againſt what

what I am moving. The Lords are ſo near the Government, that they ſee more than we. They have not ſo ſlight ſtakes as to overſee their game. I think that the Monarchy of *England* is concerned in this. Conſider the conſequence, if you reject this Proviſo. How far will you force ſo great a Prince to declare? You will give your adverſaries great advantage. Suppoſe the Duke takes not the Oaths, &c. All that do not take them, &c. will you make them Papiſts? There were ſome at your Bar that were Quakers, who would not take them; will you drive all that herd of ſwine into the ſea of *Rome* at once? If thoſe that ſit in Parliament muſt take them, thoſe out of Parliament muſt too—(*And ſo he ſat down abruptly.*)

Sir *Charles Wheeler.*] I agree to the Proviſo. If the Duke be in a capacity to ſit in the Lords Houſe, then the Debate you have adjourned, about removing the Duke from the King's Preſence and Councils, you cannot proceed in. If the Duke remains in the Lords Houſe, he cannot ſingly and ſolely, on his own Vote, ſtop any Bill there, and this very Bill has paſſed that you favoured ſo much. This Bill will prevent the danger your Vote expreſſed of the Plot, and the Duke is not included in your Vote, &c. —I would therefore paſs the Proviſo.

Mr Secretary *Coventry.*] You have the greateſt matter before you that ever was in this Houſe. The danger of diſturbance of Religion, is one of the moſt pernicious apprehenſions imaginable. If this Prince ſhould go into another place, it muſt coſt you a ſtanding Army to bring him home again. Theſe things to be done upon the Heir of the Crown were never before. It was in the power of Queen *Mary* to ſee Queen *Elizabeth*, and of *Edward* VIth to ſee Queen *Mary*. Suppoſe the King on his death-bed; muſt he not ſee the Duke, to give any order about the affairs of the Kingdom? It is a hardſhip not to be offered to a condemned perſon. You are loſing this Bill, by caſting out the Lords Proviſo. And theſe Popiſh Peers ſit in the Lord's Houſe. You loſe that thing too, and it cannot be remedied, and the Lords will carry any other proviſion

you ſhall make againſt Popery—Deny it to be in the King's power to ſee his brother, and he him, and the conſequence will be fatal.

Sir *Edmund Jennings.*] You have not yet made any ſteps towards the ſafety of the Kingdom. The head-ach coming from an ill ſtomach, to cut off the hair and apply oyls to the head will do no good, when the way is to cleanſe the ſtomach. It is not removing Popiſh Lords out of the Houſe, nor baniſhing Prieſts and *Jeſuits*, nor removing the Duke from the King; but it muſt be removing Papiſts from the Nation. As long as ſuch a body of men are here, you muſt never expect that the Pope, with his Congregation *de propagandâ fide*, will let you be at reſt. Till you do that, you do nothing; when that is done, you need not trouble yourſelves with the ſucceſſion. I have no particular prejudice againſt any of them. I have friendſhip with ſeveral. But I am more for the ſecurity of the Nation—You may endanger the Nation by this difficult point of removing the Duke out of the Lords Houſe, and I ſhall leave it to you.

Sir *Allen Apſley.*] When the Houſe is all of a mind, as to the Duke's valour and expoſing himſelf for the honour of the Nation, we cannot, without ingratitude, throw out this Proviſo.

Sir *John Hanmer.*] If you throw out this Proviſo, you endanger the Nation. You know what you have done in rejecting the Duke's ſervants. You had better impeach the Duke than throw out this Proviſo, and take him from his Brother. Keep him here, and you may breathe the wholſome Doctrines of the Church of *England* into him. And becauſe I ſee the whole Bill in danger, if you throw out the Proviſo, and Religion too, therefore I am againſt throwing it out.

Sir *Jonathan Trelawney.*] The conſequences may be ſo fatal, if you throw out this Proviſo, that I am for agreeing with the Lords in it. The ſcope of the Bill is not only to ſuppreſs perſons that may propagate the growth of Popery, but to break their future hopes. This before you is of the greateſt moment and concernment, that

that ever came before a Houſe of Parliament. I ſpeak ſincerely; by throwing out this Proviſo, give you not the greateſt advantage to the Papiſts to drive the Duke into Popiſh hands? Should that day come, of the King's death, what diſobligation do you put upon the Duke! For God's ſake accept the Proviſo.

Thoſe againſt the Proviſo ſat ſilent.

Earl of *Ancram.*] This Debate looks as if it was not upon good ground and reaſon, but a reſolved buſineſs. Nobody opens his mouth to anſwer any thing that is ſaid, but only to call for the Queſtion. If ſo, put it to the common fate of Aye and No. I think this is a ſubject for another man's brains and tongue better than mine. But pray conſider; the Duke is the King's only Brother, the Son of that Martyr who died for his Religion. The Duke is ſaid to be "but a ſubject;" but he is another kind of ſubject than Lord *Carrington (lately ſecured about the Plot.)* It is ſaid, "the Duke is not Heir apparent;" but I am ſure he is apparent Heir. Generations to come will curſe this day's work; therefore pray conſider of it.

Sir *William Killigrew.*] I dread taking the Duke from the King—*(and weeps.)*

Sir *John Birkenhead.*] In *Henry* VIth's time, when all the Peers were ſworn to the Great Charter, and not to take up the Difference between the Duke of *Norfolk* and the Earl of *Warwick*, the Make-King *, *propter celſitudinem et excellentiam Domini Principis*, he was not obliged to take the Oath—To make a Law that the King ſhall not go to his Brother, I underſtand not; it is the ſame thing as that his Brother ſhall not come to him. Do you think the King will give his conſent to this Bill, to reſtrain himſelf thus? Cannot the King go to ſee Mr *Coleman*, if he will? And not go ſee his Brother! You here will make a Law, that the Duke ſhall be removed from the King's Preſence. Whither ſhall he go? Into the country? Or will you force him beyond ſea? If he

* The Earl of *Warwick* had the honour of reſtoring *Henry* VI. to the Throne, after having depoſed him, and of pulling down *Edward* IV, who had been raiſed entirely by his means; wherefore he was commonly called *The King-maker*. *Rapin.*

was a puſillanimous Prince, of weak capacity; but he is one of the moſt magnanimous Princes in the world. He renounced the *French* intereſt, that uſed his Brother ill in his exile—Drive him into *French* hands! I ſpeak in the preſence of God, I think, if you paſs this Proviſo, it will be the greateſt means to get him to our Religion. For God's ſake paſs this Proviſo.

Mr *Sacheverell.*] Lord *Ancram* ſaid, "he wonders no man anſwers what is ſaid for the Proviſo;" but I wonder they ſhould offer ſuch arguments. The Heir apparent was never excepted from taking Oaths for Preſervation of the King's Perſon. Show me that ever he was. I wonder, why, when the Preſervation of the King's Perſon is the caſe, the Duke ſhould be excepted. I would gladly know how theſe Gentlemen know that the Duke is a Recuſant, and will not take the Oaths nor the Teſt. Whoever ſuppoſes the Duke to be a Recuſant, does forbid him the King's Preſence; therefore I think all that argument is out of doors.

Sir *Robert Carr.*] You once excepted a Popiſh Prieſt from taking the Oaths, &c.* I fear, if you reject this Proviſo, it will hurt what you would preſerve. If hereafter there ſhould be occaſion for this, let it be in a Bill by itſelf. Till I have better reaſon than I have yet heard, I muſt give my Vote for the Proviſo.

Sir *George Downing.*] I am one of thoſe that will agree to this Proviſo, and I will give you my reaſon for it, for my own juſtification. I had rather have half a loaf than no bread. I ſay not that the Duke is a Papiſt; I know nothing of that; but if he be a Papiſt, I had rather he ſat alone in the Lords Houſe, than with all the Popiſh Lords. Next conſider, whether it is not better in prudence, for the good of the kingdom, that the Duke ſit in the Houſe of *York (He meant "the Houſe of Lords.")* I had rather have him amongſt Proteſtants than Papiſts,—in the heap of Papiſts. It is better in prudence to endeavour to keep him amongſt us, than to thruſt him amongſt

* One who was inſtrumental in concealing the King after *Worceſter* fight.

others—

others—The Duke is a perſon to be led and not driven, to be won and not to be frighted, to be perſuaded and not compelled. It is our unhappineſs that this is come into his mind. Suppoſe the Duke leaves the Kingdom, are there not Popiſh Princes that will receive him? You drive the Duke, by this, &c. from the King, and the Duke goes farther than you would have him. Will not Catholic Princes receive and entertain him? How will you get him again? I would agree to the Proviſo.

Sir *Thomas Higgins.*] Thoſe Gentlemen againſt the Proviſo think it dangerous that the Duke ſhould be in the Houſe of Lords; but it is moſt demonſtrable that the danger is on the other ſide. It is that which concerns Poſterity, and, for aught I know, will entangle a War on Poſterity. Let Gentlemen, who are ſo earneſt againſt this Proviſo conſider, ſhould the Duke think himſelf diſobliged, and go beyond the ſea, and the *French* King ſupport him with an hundred thouſand men; could a greater blow be given to the Proteſtant Religion? The Heir of the Crown to be in Popiſh hands, the Duke there, and all Catholic Princes contribute to his Reſtoration to the Crown! What danger is there in his ſing'e Perſon in the Lords Houſe? For you ſee this Bill has paſſed. As we tender Union with the Lords, Satisfaction to the King, and the Quiet of thoſe that come after us, let us agree to the Proviſo.

Sir *Charles Harbord.*] I will tell you a ſtory, and a true one, of Queen *Elizabeth*. When ſhe was Lady *Elizabeth*, and in Queen *Mary*'s hands, two Articles were againſt her, to take her off; one was, that ſhe was of the Conſpiracy with Sir *Thomas Wyat*. They were brought in by the Pope, and ratified by the Emperor. My Lord *William* of *Pembroke*, (that great Lord who could neither write nor read) ſaid to King *Philip*'s great Miniſter of State, "If the Lady *Elizabeth* be taken off, and Queen *Mary* die, there is an end of your Maſter in *England*, for *Mary* Queen of *Scots* comes in as next Heir to the Crown. But your Maſter may have a Diſpenſation to marry the Lady *Elizabeth*; ſhe is the

Heir apparent, and then no man can come betwixt the Kingdom and him;" by which means Queen *Elizabeth* was preſerved—The King may have children, and, till he have, the Lawyers call the next "the Heir preſumptive."—The conſequence of rejecting this Proviſo muſt be to expoſe the Duke, and then where are you? It will be the conſequence of *Mary* Queen of *Scots*, &c. Should the King die (which God forbid, ſo long as I, or any man here lives) the Duke may come back with terror and confuſion. I am therefore for the Proviſo.

Sir *Richard Temple.*] This is the ſame Debate (about removal of the Duke) that was adjourned to this day, with this Proviſo. I am a friend to the intent of this Bill, and therefore to the Proviſo. I would diſtinguiſh the Duke from others of the Lords—Would you break all the wheels of this deſign, is it not better to keep the Duke here alone with us? That is the way to make him ours. Wherever the Duke goes, his title to the Crown goes along with him—The matter of Popery will go on, the Duke abſent, better than when the King ſees all things. If you will take off all the wheels of this pernicious deſign, make the Duke yours, and keep him with you.

Sir *Edward Dering.*] The dignity of the perſons makes the greatneſs of the thing. If we diſagree with the Lords in this Proviſo, and leave it out, and the King give not his conſent to the Bill, your Bill muſt fall, or runs a great hazard. I would agree, &c. and when that is done, move the King to give an immediate conſent to the Bill. You have then but one Popiſh Peer in the Lords Houſe, (if the Duke be one.) You may have great advantage in other Bills of Popery, by getting this. I would not loſe the reſt, for the hopes of having this without the Proviſo—Upon theſe conſiderations, I move you to paſs the Proviſo.

Mr *Waller.*] I am much perplexed in this buſineſs. The Debate of removing the Duke, &c. has been adjourned ſeveral days, and always put off, but now blown in by a ſide-wind. Still the Debate has been put off; that was ſome ſign you would lay it aſide. I am ſorry

for

for the Proviſo, I wiſh we had had the Bill without it. But you expound that which I never underſtood, that the Duke, by it, ſhould be removed from the Preſence of his Brother. From my experience abroad, and what I have read at home, I have ever obſerved, that Princes of the Duke's magnitude are like fire out of the chimney, and put in the middle of a room; it makes a great blaze, but ſets all on fire. *Edw.* IV. did not agree with his couſin the Duke of *Hereford.* The Princes of the Blood in *France* are generally of a different opinion with the Miniſters of State—They went away, but the King did all he could to get them to Court again. When the Civil Wars were in *France*, *Hen.* III. ſent for the King of *Navarre* to marry his ſiſter to be a help to him. *David* himſelf was a holy and a good man, but *Abſalom* would not ſtay at Court. *David* was afraid of his life, for his ſervants ran away from him to *Abſalom*, as *Jonathan* told him. Foreign Princes will make uſe of the diſcontents—*multis utile bellum.* This removal of the Duke is of vaſt conſequence. Gentlemen are in earneſt againſt Popery. If I thought this Proviſo was not, I would be againſt it. There are Laws againſt Papiſts. This will make them ſhuffle again, and the Papiſts can have no hope but by diſorder or deſpair. By union in one Vote, when we were at Peace amongſt ourſelves, we gave *Spain* a kingdom, viz. *Sicily.* What can we not do if we have Glory at home, and Peace abroad? I would lay aſide this Proviſo, as the moſt dangerous thing in the world.

Sir *Thomas Meres.*] I value every man's reaſons, and this is the ſame thing ſpoken to before; but now the thing comes from the Lords. I remember only, that, upon the former Debate, this ſide of the Houſe was ſpeaking, and that ſide of the Houſe ſat ſilent. I will not in length run into argument. On one ſide, the reaſon againſt the Proviſo is, prudence and ſafety. On the other, civility, gratitude, and compliment. I would be on the civil ſide, were not the ſafety of the nation concerned. No doubt but Sir *Edmundbury Godfrey* was civil to go to *Somerſet Houſe*, &c. and he was civil to Mr *Coleman* to compare

notes with him: But he loſt his life by it. I think that the Bill, as we ſent it up to the Lords, names not the Duke; and I would avoid naming him in the Proviſo. The Lords name him. I am afraid to name him ſo, as if poſſibly he may be a rebel, as if poſſibly a Papiſt—This Bill names him not. I had rather this Bill had never been brought into the Houſe, than that this Proviſo ſhould name the Duke. I name him not ſo, but if the Proviſo will name him ſo, it is a beginning of Toleration—I am againſt the Proviſo for the Duke's ſake.

Sir *Philip Warwick.*] At the beginning of the Long Parliament, no moderation could be had between the King's Prerogative and the ſubjects Liberty. Nothing was more unjuſt, nothing more unfortunate. I would rather conſider that a Popiſh Succeſſor may not be, but a Proteſtant of our Religion.

Sir *Henry Capel.*] It is ſaid by *Warwick*, "no moderation could be had in the Long Parliament, &c." but it was neither impriſonment of the Members, though that broke into Laws and Liberties, it was not the violation of property by illegal taxes, but it was the unhappy hand of Popery which brought that diſorder in, and poſſibly ſhed the blood I came of—(his father, Lord *Capel.*)—Since the King's Reſtoration, Popery has played in Court, in our negotiations of War and Peace, of ſetting up Miniſters and taking them down; and God knows where it will end—I have a repreſentation as other men have; wife and children, and all is at ſtake. Will not this ſtartle a great man? I hope it will. Were it not for hope, the heart would break. I hope yet that this great Prince will come into our Church—But will you, by admitting this Proviſo, have all our tongues tied, and by Law declare the Duke a Papiſt? Shall this be done by a Law? If it muſt come from us, this is not the time. If once I can ſeparate the Duke's intereſt from his perſon, I would ſerve him. Preſs down that Popiſh intereſt more and more by Law, and when the Duke is naked, and clear from Popiſh intereſt, then it is time to offer our ſervices to him. It is in his hands to ſave this whole Nation, but I will never allow

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an argument, as this Proviſo implies, that a Peer ſhall do any thing againſt his Country—When he is naked and alone, I will ſerve him, and he may ſerve himſelf.

Sir *William Coventry*.] A Gentleman on the other ſide of the Houſe has ſaid one word that has awakened me. In point of gratitude, I need not tell you my obligations to the Duke*. I will not deny a great deal of what has to-day been ſtarted. The danger of the Proviſo is only reaſons from the preſumption of the goodneſs of this Prince's diſpoſition. I ſhall ſay but one word, though, I apprehend, not any thing I can ſay can prevail in this matter. Conſider whether this Prince has not been uſeful to you. Whether he has not made a greater ſtep to the Proteſtant Religion, by marrying his daughter to the Prince of *Orange*, which had his concurrence—From that inſtance, he is ſo far from danger, that he has been a help to us—This is the reaſon why I am for the Proviſo.

Several cried out, "*Coleman*'s Letters, *Coleman*'s Letters."

Sir *Robert Howard*.] *Capel*'s father would have fought for the Crown, whatever Devil had raiſed the ſtorm againſt it. This Proviſo is a ſingle diſpoſing of a perſon for the ſecurity of the Nation. Excluding him (the Duke) from the Preſence of the King, is it meant eternally? (It is granted he may ſtay thirty days, &c. by Warrant from the Privy Council.) What will hold of all you have done, if the Crown come to him? What will become of you, if an exaſperated Prince come to govern, though not of ſo great a ſpirit as the Duke? I, in my extremity, would ſcorn to do an act ſo low, that I would not have diſdained to do in my proſperity. The propoſition of doing good by this, &c. is to do nothing, for it is but the ſhape of a thing, and not the thing itſelf. He is not a man in ordinary condition of other Peers. He is ſeparate from other ſubjects, and by a Title. The Duke ſees no Catholic Lords come to the Houſe of

* He had been his Secretary.

Peers

Peers more. He ſees he is ſeparated from them by this Proviſo; and will a man in his condition, preſerved by a Parliament, put himſelf upon miſchief? Will that be his gratitude, think you? We all reſpect his perſon, and may hope, that, when he ſees his own temper ſo different from us, he will embrace that here which he will never find in the Popiſh Religion. He is ſafe, when others are rejected, he is preſerved, and may return more uſeful to the King and us.

Sir *Thomas Lee.*] This is an unfortunate matter before us. As this great Perſon here is remarkable for the match of his Daughter with the Prince of *Orange*, and no leſs remarkable that both his Daughters are bred up Proteſtants, it makes me think, that this Proviſo is an unfortunate reflection on the Duke, brought on by them that ſhelter Popery under his Name. It is not ſo much from the Papiſts, as the Proteſtants, that act the part of Popery, to do their own work. Thoſe that ſupport the intereſt of the Papiſts, however they call themſelves Proteſtants, do more to ſupport Papiſts than Papiſts themſelves. It does not appear plain, that the Duke is a Papiſt, and that he will not take the Teſt and Oaths, &c. If it falls out that he ſhould not, the inconveniences may be eaſily obviated by a Bill, and the greateſt happineſs to the Duke—I ſee no change in affairs, or the leaſt ſtep in Councils altered ſince the diſcovery of the Plot, which puts me in mind that the Duke has not influenced all theſe Councils, and it is not in his power to do it. (I know not the proſpect others have of it.) But when I conſider, what will become of Gentlemen that have Abbey-Lands, when they are told by the Prieſts on their death-beds, that they cannot die in peace without reſtoring them? If we reſtrain not the Prieſts, there will be no need of an Act to reſtore Abbey-Lands, they will return to the *Romiſh* Church of themſelves; as if to prevent Popery, you will pile up faggots to fire Proteſtants, and will need nothing but ſetting them on fire, and lay all this upon the Duke. For the regard I have for the Duke, I agree not to uſe the Duke hardly, but if the

Duke

Duke cannot comply with the Oaths, &c. it is for his ſafety, that it is others, and not he, that are the cauſe of it; other men ſheltering themſelves under the Duke. No man knows, but that a ſettled opinion in the nation, when diſturbed, may draw on a rebellion. No man can ſay but this Act, &c. is neceſſary, and is not this Proviſo enough to raiſe all the people in rebellion? It is for the Duke's ſake therefore that I would reject this Proviſo.

Sir *Robert Sawyer.*] That Statute of *Hen.* VII. which made it not criminal to aſſiſt the King *de facto*, &c. was made for the ſafety of the nation, when the Crown had been tottering to and fro, between the two Houſes of *York* and *Lancaſter*; but it alters no man's right to the Crown. But I prefer a right title before all other conſiderations whatever—I am ſorry for this Proviſo. I look on it as the greateſt reflection on the Duke that can be. The Proviſo is exactly contrary to the title of the Bill. Here is a Proviſo for a perſon to be excepted from the neceſſary means to that end. Either the body of the Bill is not an effectual remedy, or there are perſons that ſhould not contribute to the Bill—I would have any man give me an inſtance, that ever any perſons were excuſed from the Oath for the ſafety of any King's Perſon. In leſſer concernments they have. We ought not to preſume the Duke to be a Papiſt, and this exemption of the Duke from the Oaths preſumes a principle in him oppoſite to the King's preſervation. It has been ſaid, "that this Proviſo will ſhut the Duke from the King's Preſence;" but I think it does not. The Duke is not of that principle to diveſt the preſent King of a great part of his Government, which Popery does. This Proviſo is to exempt a perſon, in dangerous times, from the Oaths of Allegiance, &c. I hope the Duke will take the Oaths. I have no reaſon to imagine the contrary, when the wiſdom of the whole Land thinks it fit; and the King is ſafe with it, and without it he cannot be ſafe. For reſpect to the Duke, I will go as far as any man; but I cannot think any perſon ought to be exempted from the Oaths, when the ſafety of the King, the Government, and the Proteſtant Religion is concerned.

Mr

Mr Sollicitor *Winnington.*] The poſture of things being ſo as we apprehend, it is every man's intereſt to ſave the Nation from Popery. The Queſtion is now, "whether we ſhall receive this Proviſo to exempt the Duke from the Oaths, &c. I think, the ſafety of the Nation, the preſervation of the King's Perſon, and the Proteſtant Religion muſt be the ground, let the perſon or quality concerned be ever ſo great. Now whether your rejecting or retaining the Proviſo is for the ſafety of all three, is the Queſtion—It is ſaid, "that the Proviſo promulgates to all the world, that the Duke is a Papiſt." It is an argument that has a great deal in it. But as this Proviſo ſtands, it brings no new advice to the Kingdom that the Duke is under thoſe apprehenſions, but, *è contra*, there are thoſe apprehenſions without the Proviſo. I will ſay nothing of my own perſonal gratitude to the Duke, but ſpeak my mind plainly—Notwithſtanding what is reported of the Duke's Religion, for aught that appears, the Duke is but in a deliberative ſtate, and God may ſo diſpoſe his heart, that he may come over to us. This Proviſo is not of that dire effect as is thought—Suppoſe the Duke be a Papiſt, is it not for the ſafety of the Kingdom, that the Duke be kept with the King in his preſence, rather than be ſent amongſt all Papiſts? If the Bill paſs, it is an excluſion of the Popiſh Lords from that Houſe, and Papiſts from the Court, "not to be there above thirty days in a year, and with Licence from the Privy Council," ſo that, methinks, the ſtrength of the argument lies that way. The Duke being in a deliberating ſtate, I hope that he will follow the example of his grandfather, *Henry* the fourth of *France:* When he ſaw the univerſal genius of the Nation for a Religion, he complied with it. I hope the Duke will conſider of it. Conſider, the effect of the Proviſo can have no operation on the Duke, if he be King; then it ceaſes. You need not fear, when the Duke is alone, but he is in a ſafer poſture, than amongſt the Popiſh Lords, &c. It is ſaid by *Sawyer*, "that this Proviſo is againſt the title of the Bill:" But it has no incongruity in that, for all Proviſoes ſeem to degenerate from the Bill,

elſe

elſe they could have no ſuch appellation. I am for the Proviſo.

Sir *Thomas Meres.*] This Proviſo, paſſing as now it is, ſpoils all future expectation from this Bill.

Sir *Charles Harbord.*] This Proviſo being caſt out, there is more danger to the Kingdom than in any thing in the world. I may be heard twice too, as well as others.

Lord *Cavendiſh.*] I cannot agree to the Duke's being declared a Papiſt by Act of Parliament, till I hear the Lords reaſons for the Proviſo. If we agree to the Proviſo, we cannot hear the Lords reaſons. Poſſibly I may be convinced by the Lords, but I am not by any thing I have heard yet.

The Proviſo was agreed to, 158 to 156*.

Mr *Southwell.*] I move that you would adjourn, for now the Proviſo is agreed to, the Bill is worth nothing. If the Duke come to the Crown, he may call whom he pleaſes into the Lords Houſe.

Mr *Hyde.*] If the majority be of *Sacheverell*'s mind, you may adjourn.

Sir *Thomas Meres.*] I hope that thoſe Gentlemen that were for the Proviſo will help us on with ſome Bills for ſuppreſſion of Popery, to amend this, for the Proviſo makes it little worth.

Reſolved, That Reaſons be drawn up to be offered at a Conference for not agreeing with the Lords in their ſecond and third Amendments, &c. [relating to the ſervants of the Queen and Dutcheſs of *York.*]

Mr *Bennet.*] I would have you appoint a time to conſider of the Addreſs for the Duke's removal from the

* The Duke ſpoke on this Proviſo [in the Houſe of Lords] with great earneſtneſs, and with tears in his eyes. He ſaid "he was now to caſt himſelf on their favour in the greateſt concern he could have in this world." He ſpoke much of "his duty to the King, and of his zeal for the nation;" and ſolemnly proteſted, "that, whatever his Religion might be, it ſhould only be a private thing between God and his own ſoul, and that no effect of it ſhould ever appear in the Government." The Proviſo was carried for him by a few voices. And, contrary to all mens expectations, it paſſed in the Houſe of Commons. *Burnet.*

King's Preſence and Councils. If Popery muſt come in, I would have it come eaſily, without force.

Sir *Winſton Churchill.*] I would have *Bennet* reproved for what he has ſaid.

Mr *Finch.*] I hope you will have good fruit of this Bill. If this Proviſo had not paſſed, you would have had no fruit of the Bill, nor the Seſſion neither, nor ſecurity for the Proteſtant Religion. It is the means to preſerve the Nation from Popery.

A Breach of the Peace happening in the Houſe, between Sir *Jonathan Trelawney* and Mr *Aſh:*

The Speaker ſaid,] I know not who was the author, or occaſion, of this diſturbance, but be my relation ever ſo near to them *, I muſt tell you who they are that have given blows in the Houſe: They are Sir *Jonathan Trelawney* and Mr *William Aſh.*

Mr *Williams.*] I ſaw ſomething that paſſed betwixt theſe two Gentlemen. I am ſorry I ſaw what I did ſee. There was ſuch a caſe once in *Weſtminſter-Hall*, and it puzzled the Judges. I am ſorry for this caſe, now we are ſecuring the Nation by the Militia, that the Peace ſhould be broken amongſt ourſelves. What has paſſed looks like an unhappy omen.

Sir *Jonathan Trelawney.*] I riſe up the earlier to ſpeak, becauſe I wiſh this had been in another place; but perhaps in a more ſacred place than this, if any man ſhould call me "raſcal," I ſhould call him "rebel," and give him a box on the ear. The cauſe of the quarrel that happened was this. Colonel *Birch* was ſaying, "Loſe this queſtion (about the Proviſo) and he would move for a general Toleration." "No," ſaid I, "I never was for that." And *Aſh* ſaid, "I am not for Popery." Said I, "Nor I for Preſbytery." I came to *Aſh*, and told him "he muſt explain his words." Said *Aſh*, "I am no more a Preſbyterian than you are a Papiſt." Upon which I ſaid,

* Mr *Aſh* and the Speaker married two ſiſters, and Sir *Jonathan Trelawney* married the Speaker's aunt.

"*Aſh*

"*Aſh* was a raſcal," and I ſtruck him, and ſhould have done it any where; but I am ſenſible it was in heat, and I humbly aſk the pardon of the Houſe for it.

Sir *William Harbord.*] He has behaved himſelf like a man of honour. I muſt ſay this, I ſaw *Trelawney* ſtrike a ſtroke.

Sir *William Portman.*] Here has been a juſt account given of the thing. I pray God there be no ill conſequence of it.

Mr *Sacheverell.*] I have a great reſpect for the two Gentlemen, but more for the preſervation of the Peace of your Councils. If you put up this, and make not an example, you do not juſtice to yourſelves.

Lord *Cavendiſh:*] I allow both the Gentlemen to be in fault extremely. There can be no excuſe made for ill language, nor blows, here, but you muſt make diſtinction. You ought, in your cenſure, to go firſt on the aggreſſor, who has done ſo great a fault contrary to the Peace at this time—You can do no leſs than ſend him to the *Tower*, and expell him the Houſe.

Mr *Williams.*] By the Orders of the Houſe, if you debate the cenſure they ought to withdraw.

The Speaker.] If you go on in the Debate, they muſt withdraw.

Mr *Aſh.*] You have a relation from the Gentleman, which is, in a great meaſure, true. I hope you will allow that the provocation was great. I do acknowlege I have done a great fault, and I humbly aſk the pardon of the Houſe.

Mr Secretary *Coventry.*] There can be no Debate who ſhall be puniſhed, or who not, till they are both withdrawn.

Sir *Thomas Meres.*] Who provoked, or who followed the provocation, muſt be an after Debate. But neither of them ought to ſit; it will be voting in one another's caſe.

Sir Thomas Lee, *upon the Speaker's Motion,* "*That both of them ſhould be in cuſtody of the Serjeant,*" *ſaid,*] You muſt commit them before judgment be paſſed upon them, and then they ought to come upon their knees to the Bar, before they be diſcharged.

Sir

Sir *Thomas Littleton.*] It is not an equal way of proceeding. The Speaker ſays, only, " in ſafe cuſtody." It may be others think they do not deſerve commitment at all, or one to be committed to the Serjeant, the other to the *Tower.*

The Speaker.] There is nothing more equal than to put them both into the ſame condition, and to order it upon your Books, " that it is for ſecurity, till the Houſe conſider how to proceed.

Ordered, That Sir *Jonathan Trelawney* and Mr *Aſh* be ſecured by the Serjeant at Arms, for having committed a breach of the Peace in the Houſe, untill the matter be [examined and] determined by the Houſe.

Lord *Cavendiſh.*] I move, " that *Trelawney*, as being the aggreſſor in this breach of the Peace, may be expelled the Houſe."

Mr *Booth.*] *Trelawney* came to *Aſh*, and reflected upon his family for being " Preſbyterians and rebels." You can do no leſs than ſend him to the *Tower*, and expell him the Houſe.

Mr *Bennet.*] When I conſider the noiſe without doors, and how your Members are reflected on for what they do here; and that when I had the ill luck to diſpleaſe the Court, they ſaid, " there goes ſuch a rogue, he is for a Commonwealth;" and when families are reflected upon, notwithſtanding an Act of Indemnity and Pardon, what will be the end of all this! Though I can juſtify myſelf from all this. My father and grandfather were for the King, yet I have heard myſelf called " fanatic," where I durſt not anſwer again. Whoever calls a man " rebel" here, deſerves to be expelled the Houſe, and I would have but that one puniſhment for *Trelawney.*

Sir *John Talbot.*] Your firſt Queſtion muſt be " whether *Trelawney* was the firſt aggreſſor," and put that Queſtion.

Sir *Charles Wheeler.*] He that ſtrikes again, makes himſelf his own judge. Both have broken your Order. *(He was miſtaken, and out, and ſo ſat down.)*

Sir

Sir *Robert Dillington.*] It was my chance to be by, when the difference happened between theſe two Gentlemen. Colonel *Birch* ſaid, "he was an old ſoldier, and was for making a ſafe retreat, and the beſt way now was for a Bill of Toleration." *Trelawney* ſaid, "I am not for tolerating Preſbytery." "Nor I," ſays *Aſh*, "for Popery." And this was all the provocation that *Aſh* gave to *Trelawney*.

Sir *Thomas Meres.*] *Trelawney* names "Preſbytery" firſt, and ſtrikes firſt: Pray determine that, and then come to the reſt.

Earl of *Ancram.*] Where the honour of the Houſe is concerned, I will ſpeak my mind freely. I will not come to the provocation, but the action. It is one way to do an act out of the Houſe, and another in. The Speaker's prudence ſaved the Houſe once, in a diſorder in the Grand Committee, from ſome great misfortune *. A blow ſtruck in the Houſe of Commons is a blow ſtruck at all the Commons of *England*; all are ſtruck, and it may go farther. Private perſons muſt not wound all the Commons of *England*. I leave it to you.

Mr Secretary *Coventry.*] All offenſive language is to be puniſhed. But if *Trelawney* was accuſed by *Aſh* of "Popery," it was as great a provocation as for *Trelawney* to accuſe *Aſh* of "Preſbytery." I will put you in mind of a long Debate once here of a difference betwixt Mr *Marvell* and Sir *Thomas Clifford*; they both aſked the forgiveneſs of the Houſe. It went ſo far, that, becauſe the words were in priority to the blow, Mr *Marvell*, who gave the words, aſked pardon of the Houſe firſt.

Sir *Nicholas Carew.*] If the provocation was in *Clifford*'s caſe for words, &c. this is another caſe. To be called "ſon of a rebel, and deſcended from rebels," is the greateſt breach of good manners that ever was. It is not a time now to break the Act of Indemnity. Let us unite as faſt as we can—Thoſe that were rebels were active in bringing in the King. Though, as for myſelf, I have ſuffered

* See Vol. III. p. 128.

by the times, both in my perſon and eſtate, I am not for breaking the Act of Indemnity.

Mr *Williams*.] I hope you will not make your own Court leſs than *Weſtminſter-Hall*. I would puniſh *Trelawney* by expelling him the Houſe.

Sir *John Ernly*.] I move "that *Trelawney* may be ſent to the *Tower*, and then that you will conſider what to do with *Aſh*." I would not conſider the provocation on one ſide or the other. We ſaw the blows, but heard not the words. Both ſtruck, and pray ſend them both to the *Tower*.

Sir *John Birkenhead*.] See the caſe of *Weſton* and *Drury* who fought. It is in your Journal, 4 *Edw*. VI.

Mr *Williams*.] If the firſt Queſtion be for ſending them to the *Tower*, I will give my negative, and then for expelling, he may go ſcot-free.

Sir *Thomas Littleton*.] For ſettling the Queſtion, and declaring the matter of fact, perſons may ſpeak more than once—Sending a man to the *Tower*, and in three or four days to let him out again; is this any thing of puniſhment in compariſon of the offence? I would rather give the thing all up—Juſt as you puniſhed the Sheriff of *Northamptonſhire* *.

Mr Secretary *Coventry*.] If you expell *Trelawney*, you take away the freehold of them that ſent him hither. The Law conſiders mediums, when things are done with intention and in cold blood. I would know, what a Gentleman ſhould do, in ſuch a caſe as this. But the fact is done; put therefore ſuch a Queſtion, as you have examples and precedents of. Send them both to the *Tower*.

The Speaker.] I muſt do right to the Houſe. The firſt Queſtion moved for was, "whether *Trelawney* ſhould be expelled the Houſe."

The previous Queſtion for expelling *Trelawney* paſſed in the Negative, 130 to 110.

Sir *Eliab Harvey*.] Now this Queſtion is over, I am againſt ſending them to the *Tower*. One ſhall be called

* See p. 186.

"rebel

" rebel and traytor," and both have equal puniſhment. *Aſh* ſhall pay 50*l.* fees, and *Trelawney* nothing.

The Speaker.] I will make you a Motion, " that Sir *Jonathan Trelawney* may be ſent to the *Tower*, there to remain during this Seſſion of Parliament." The perſon of Mr *Aſh* is neareſt in relation to me, and I would be neareſt in my ſervice to him. But pray regard your own honour, regard yourſelves.

Sir *Thomas Meres.*] What you have moved is moſt worthy, and I am for it.

Reſolved, That Sir *Jonathan Trelawney* be ſent to the *Tower*, there to remain during this Seſſion of Parliament.

On Mr *Aſh*'s puniſhment.

Mr *Williams.*] Where the Law acquits him, I ſuppoſe you will not condemn him, here—It being true that *Trelawney* ſaid the words, you have puniſhed Mr *Aſh* by commitment to the Serjeant. It is true, a man may ſtrike in his own defence; it is lawful. It is plain, the firſt provocation was from *Trelawney*. What happened from *Aſh* is juſtifiable in Law.

Serjeant *Gregory.*] I hope you will not puniſh a man that has committed no fault. If the ſecond blow appears to be in *Aſh*'s own defence, the Law, upon an action brought, makes him not guilty. He had worſe words than " raſcal" given him, before he gave any. *Aſh* being guilty of no crime, I hope you will inflict no puniſhment.

Sir *John Birkenhead.*] I wonder that a man ſhould take the ſword out of the Magiſtrate's hand, and that ſhould be no crime, and the Long Robe ſhould ſay " it is no offence." The blow was given in the King's Houſe, and, by the *Saxon* Law, it was death, and, by a *continuando*, 28 *Henry* VIII. drawing of blood—Let *Aſh* be puniſhed by you, leſt he have greater puniſhment.

Serjeant *Gregory.*] The affront was not given to the walls of the Houſe, but to the Speaker, ſitting in the Chair of the Houſe.

Sir *John Birkenhead.*] By the 28th *Henry* VIII. if a

by the times, both in my perſon and eſtate, I am not for breaking the Act of Indemnity.

Mr *Williams.*] I hope you will not make your own Court leſs than *Weſtminſter-Hall.* I would puniſh *Trelawney* by expelling him the Houſe.

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Mr Secretary *Coventry.*] If you expell *Trelawney*, you take away the freehold of them that ſent him hither. The Law conſiders mediums, when things are done with intention and in cold blood. I would know, what a Gentleman ſhould do, in ſuch a caſe as this. But the fact is done; put therefore ſuch a Queſtion, as you have examples and precedents of. Send them both to the *Tower.*

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" rebel and traytor," and both have equal puniſhment. *Aſh* ſhall pay 50*l.* fees, and *Trelawney* nothing.

The Speaker.] I will make you a Motion, " that Sir *Jonathan Trelawney* may be ſent to the *Tower*, there to remain during this Seſſion of Parliament." The perſon of Mr *Aſh* is neareſt in relation to me, and I would be neareſt in my ſervice to him. But pray regard your own honour, regard yourſelves.

Sir *Thomas Meres.*] What you have moved is moſt worthy, and I am for it.

Reſolved, That Sir *Jonathan Trelawney* be ſent to the *Tower*, there to remain during this Seſſion of Parliament.

On Mr *Aſh*'s puniſhment.

Mr *Williams.*] Where the Law acquits him, I ſuppoſe you will not condemn him, here—It being true that *Trelawney* ſaid the words, you have puniſhed Mr *Aſh* by commitment to the Serjeant. It is true, a man may ſtrike in his own defence; it is lawful. It is plain, the firſt provocation was from *Trelawney*. What happened from *Aſh* is juſtifiable in Law.

Serjeant *Gregory.*] I hope you will not puniſh a man that has committed no fault. If the ſecond blow appears to be in *Aſh*'s own defence, the Law, upon an action brought, makes him not guilty. He had worſe words than " raſcal" given him, before he gave any. *Aſh* being guilty of no crime, I hope you will inflict no puniſhment.

Sir *John Birkenhead.*] I wonder that a man ſhould take the ſword out of the Magiſtrate's hand, and that ſhould be no crime, and the Long Robe ſhould ſay " it is no offence." The blow was given in the King's Houſe, and, by the *Saxon* Law, it was death, and, by a *continuando*, 28 *Henry* VIII. drawing of blood—Let *Aſh* be puniſhed by you, leſt he have greater puniſhment.

Serjeant *Gregory.*] The affront was not given to the walls of the Houſe, but to the Speaker, ſitting in the Chair of the Houſe.

Sir *John Birkenhead.*] By the 28th *Henry* VIII. if a

man ſtrikes in an integral part of the King's Palace, he might as well ſtrike in the King's bed-chamber.

Earl of *Ancram.*] I have known that misfortune of words, amongſt brave men. Words may make reparation for words; but blows are for a dog, and not a quarrel to be taken up. Here has been a blow given in the Houſe of Commons. A man that ſits here ſhould have his underſtanding ſo far about him, that a word ſhould not bring him ſo in paſſion, as it would do in another place. Truly I think Mr *Aſh* pardonable in this caſe; and I would have him reprimanded only in his place.

Which being ordered, Mr *Aſh* was called in.

The Speaker.] Mr *Aſh*, the Houſe has conſidered the diſorder you committed, and the provocation that was given you. They have a tenderneſs for every Gentleman that is a Member; therefore they have thought fit to proceed tenderly with you, only. When you make the Houſe judge, &c. you make yourſelf no way juſtifiable, but by extraordinary provocation and paſſion. And you are to proceed no farther in this quarrel with Sir *Jonathan Trelawney*, and the Houſe requires you to declare it.

Mr *Aſh.*] I acknowlege that I have committed a great fault, but there was a great provocation to it. And I ſhall humbly acquieſce in the determination of the Houſe. I ſhall proceed no farther in the matter, and I acknowlege the great favour of the Houſe.

Sir *Thomas Littleton.*] I move for the ſame engagement from *Trelawney*, "That he do not proceed any farther in this quarrel, either by himſelf or his friends." For elſe, when the Seſſion is ended, there may be diſorders, and he not in your power to puniſh. And I move, that the Speaker require *Trelawney*, in obedience to your commands, not to purſue the quarrel. And I believe he will give obedience to it.

It was ordered accordingly.

Friday,

Friday, November 22.

Mr *Powle* reports the defect of Mr. *Bedlow*'s Pardon *.] The word "*murdrum*" is not mentioned in it. "*Homicidium*" is mentioned. The word "*murdrum*" has been formerly omitted in Pardons, upon giving no countenance to "murder." There was one *Richardy*, mentioned in Judge *Rolle*'s Reports, who was hanged twelve years after, for want of that word in his Pardon, for want of a *Non obſtante*, &c. Mr *Bedlow* would have that word expreſſed in the Pardon; and if it be at your deſire to the King, then no countenance will be given to "murder" to be ordinary in Pardons. I would ſend the Pardon to the Attorney General, that "murder" may be expreſſed, but not in general words.

Mr Sollicitor *Winnington.*] The Pardon having paſſed the Seal, it is not to be mended by the Attorney General. But Mr *Bedlow* may have a new Pardon. If you doubt the inſufficiency of this Pardon, the King may grant another Warrant for one, and may let it be particular as to "murder;" for general words will not comprehend it.

Mr *Williams.*] I was with Mr Attorney General about this Pardon; who ſaid, "it was a very adviſed and wary thing to pardon all murders; but for particular mens murders there are precedents, but very rare." "For feloniouſly killing," generally, it is a great queſtion whether that Pardon will amount to "murder;" this of Mr *Bedlow*'s being a pretty odd caſe. In the Laws of *Rich.* II. and *Edw.* III. it was a rare thing in an Act of Parliament to pardon "all murders." "For pardoning all murders," the Attorney ſaid, "he ſhould be ſhy in paſſing it; but for the felonious killing of Sir *Edmundbury Godfrey*, it may be done." In the King's Pardon, read in the Houſe, there was a miſtake, "*nolentes*" for "*volentes*;" but it was agreed, that the Pardon was right in

* Information had been given to the Houſe the day before, "That Mr *Bedlow* was not ſatisfied that his Pardon was full enough." *See the Journal.*

the Lords Houſe. This new Pardon for Mr *Bedlow* may be ſealed in the King's preſence, and need have no other formalities.

Sir *John Birkenhead.*] One Lord killed another eleven years ago*; who would not have "*murdrum*" put into his Pardon, "becauſe," he ſaid, "he was not guilty of it." "But," ſaid his Counſel, "you may be pardoned for manſlaughter, and hanged for murder." I would have *Bedlow* have a full Pardon, for he has told you he has been a great rogue.

The place of Mr *Bedlow*'s abode, and his *alias* was omitted, *viz.* "*Williams.*"

Reſolved, That an Addreſs be made to the King, [to deſire] that Mr *Bedlow* may have his Pardon full as to the murdering of Sir *Edmundbury Godfrey* †.

Debate on the King's laſt Speech.

Mr Secretary *Coventry.*] That the Papiſts may know that they ſhall not acquire any thing by the King's death; if the Laws are looked into that already are, you will find them as ſevere againſt Catholics as can be made, but they are not executed. I would therefore have ſuch Laws made, that the King may not have any power to diſpenſe with any penal Laws againſt Papiſts.

Sir *George Hungerford.*] I would know, if ſuch Laws be made, who ſhall reſiſt, if the King ſhall diſpenſe with them?

Mr *Sacheverell.*] I take it, that this day the King's Speech is to be taken into conſideration. I did expect of thoſe Gentlemen who are ſo tender of moderation, that they would have told us how to ſecure the Proteſtant Religion upon the conditions in the King's Speech. Firſt, the Speech tells us, "we are not to change the right of Succeſſion." Then I would gladly know, whether they would leap over that, or no; and not de-

* The Duke of *Buckingham* killed the Earl of *Shrewſbury*. See Vol. II. p. 246.

† This laſt particular is not expreſſed in the Journal.

bate

bate it? Next, "The King will paſs Bills for preſervation of the Proteſtant Religion, &c. ſo that the deſcent of the Crown be not impeached in the true Line." Unleſs we leap over that condition, how can we make any aſſociation, as in Queen *Elizabeth*'s time, &c.? Next, how can we ſecure Religion, or the juſt rights of any Proteſtant Succeſſor, unleſs the King's power be reſtrained? And will you leap over that? I would know how they will leap over theſe conditions, and yet ſettle the Proteſtant Religion for the Succeſſion?

Sir *John Talbot.*] We ſhall ceaſe to be a Parliament, if *Sacheverell* uſes the phraſes of "thoſe Gentlemen," and "they," &c. We would go on in a parliamentary way of proceeding, in a way of reaſon, a fair way.

Sir *Thomas Meres.*] In the firſt place, *Sacheverell* did ſpeak in a parliamentary way, and a rhetorical ſtyle too. I will leave him, and go to *Talbot*, who corrected him for ſaying "they," and "thoſe Gentlemen," and uſes "we" himſelf. I love my time very well, and from our time I would have the Proteſtant Religion come to the next. Let us go into a Grand Committee, that we may not be bound up to ſpeaking once only in the Houſe; and I will offer my ſervice in this matter with the reſt. And though we cannot get all the ſecurity for the Proteſtant Religion, in the Succeſſion, &c. yet let us have as much as we can get.

Mr *Williams.*] If we take it for granted for a poſition, and admit that you muſt have a Popiſh Prince in the ſucceſſion, then you need not leave the Chair, and go into a Committee. But if you will go upon the main, that is, the danger of the Proteſtant Religion in a Popiſh Succeſſion, then we go into a Committee. It is not the Papiſts that can bring in Popery, but Proteſtants that favour it. And another way is to make eaſy Laws, that will ſignify nothing.

Sir *Thomas Littleton.*] If you go generally into a Committee "to conſider the King's Speech," you are bound hand and foot, and can debate nothing elſe. But if you ſay generally, "to conſider remedies to preſerve the Pro-

teſtant Religion, and ſuppreſs the growth of Popery," you may do ſomething to the purpoſe.

Sir *Thomas Lee.*] We cannot be bound by the King's Speech, in making of our Laws.

Mr *Sacheverell.*] I would know whether we may ſpeak againſt an eſtabliſhed Law, before we go into a Grand Committee.

Sir *Richard Temple.*] It is an inherent Privilege in any Member, that, with leave, he may ſpeak to the repealing any Law. And I would have it an Order to the Committee, to give their Opinion in repealing any Laws in being.

In a Grand Committee.

The Speaker.] It is the higheſt ſtep that can be taken, and in no part of the world to be precedented, that Lords ſhould ſit in the Lords Houſe to extenuate their crimes, or at leaſt to improve them. I am now free from thoſe apprehenſions, by the Bill, &c. The Popiſh Lords are driven out of the Houſe, and the Court too. It is not the conſideration of one ſingle perſon, how great ſoever he be, in that Houſe, that can ſtand in balance with the Nation. I ſay, it is not the influence of one perſon amongſt them, that can be to the prejudice of your affairs, or can create a diſturbance to the Laws. But there remains ſomething to be done that you have not done. Things are carried on at Court by the ſollicitation of perſons; I mean, foreign Miniſters. I wiſh, that a Repreſentation may be made to the King, of the too familiar acceſs that foreign Miniſters have to him. They come to Court rather like private ſollicitors than Ambaſſadors; and the nation ſuffers more by their private Conferences, than their public Addreſſes. Having gone ſo far, the next thing I ſhall preſent to your conſideration is, that thoſe who have had a hand in the Plot, may meet with the ſevereſt judgment; though not within the ſecret circumſtances in that caſe where two witneſſes are required. Where there are not two witneſſes, I would make no ſcruple to hang them with one. Though poſſibly

poſſibly they are not all equally guilty, yet they have had ſome commiſſion to carry on the Plot. Therefore, for the more eaſy conviction of Catholics, the King has given charge to the Judges in their Circuits, and at *Weſtminſter*, about it, and they have done their part, but yet ſcarce two of quality have been convicted. Their intereſt and their purſe have ſaved them. Therefore I propoſe, that they may be convicted by Act of Parliament; that the Knights, Citizens, and Burgeſſes return the names of all Papiſts, and reputed Papiſts; and that they may have time to come in to take the Oaths: And then you truſt not to others to convict them, but do it yourſelves—Now having ſaid what I would do, I will preſent you with my thoughts on what I would not do. Firſt, I would not diſturb the right Line, nor impeach the Succeſſion. It is not your intereſt to make the Heir of the Crown deſperate, for you will endanger to entail a War on Poſterity, &c. whenever you diſturb that. I will ſay little to making the Heir of the Crown deſperate. I would not furniſh thoſe men with arguments in their mouths, that will be apt to improve them, &c. I ſhall only ſay, that he is much more ſafe in the eye of his Prince, than abſent, &c. I would not have any Popiſh Prince be left in a condition to wound or diſturb the Proteſtant Religion. I would not ſcruple to take from him dependences in Church or State, and power to diſpoſe of the public Revenue or the Militia. I would not ſcruple to make a Law, "That, upon the demiſe of the King, the Parliament then ſitting, or, if there be none, that the laſt Parliament ſhall meet again, and continue for a time certain." This, in a great meaſure, will provide for your ſecurity. But if Gentlemen would carry it farther, it will neither be ſecure for the preſent, nor the future.

Mr *Powle.*] Some that talk loud, without doors, for the Proteſtant Religion, give pernicious counſels within doors. In *Coleman*'s Declaration and Letters, they are "for the utter extirpation of Hereſy," that is, in their ſenſe, the Proteſtant Religion. Since the King's Reſtoration, the King

King has been free, till the laſt ſummer, as to any Plots againſt his perſon. But why now? Certainly thoſe *Jeſuits* have made an unhappy choice of a time for us, and happy for themſelves. They will not ſtick at any man's blood whatſoever, to promote the Catholic intereſt. But why is the time ripe now for the ſtroke? This conſpiracy has been working many years paſt; and this has ſcarce got credit in this very Houſe of Commons. Laws moſt ſacred are of no effect; they are violated in the face of the Houſe. An Act was made to put Popery out of the Army, &c. and yet a great number of Officers are brought into it; and there is no diſcovery from whence that contrivance came. There was an Act alſo for diſbanding the Army; and yet no Army is diſbanded, and you are told that it is unavoidable. And can this paſs away in ſilence; and can we think, at this rate, that there is more ſecurity in a Law, than in a piece of parchment? I think it is deſigned we ſhall have a ſtanding Army, and I think there is good occaſion to inſinuate it, &c. There are no hopes in an Act of Parliament. The Papiſts may ſay to the Army, "Join with us, and we'll join with you;" and there muſt be the original of this ſame Plot, and till you be free yourſelves from the Army—there is the ſource of the Plot. It is not eaſy for the Prince to alter the Government, without force. *Lewis* the eleventh of *France* had been ſeven years abroad, by reaſon of his falling out with his Miniſters. When he came home to the Crown, he turned all the Officers of the Crown out; but there followed a great war and diſturbance upon it. So he adviſed his ſon, when he came to the Crown, never ſuddenly to change his Miniſters, by his experience, they having all the ſecret of the management of affairs—This Plot has been going on ever ſince the King came in, and ſo the Papiſts have continued deſigning. But where will you lay this? On the King? It muſt lie ſomewhere. The Speaker ſpoke of "the familiarity of foreign Miniſters with the King." But this muſt be by home Miniſters. Your firſt buſineſs is to reduce the preſent Government into

into ſuch order under the preſent Prince, as may ſettle the Proteſtant Religion and the Miniſtry on good foundations.

Sir *Thomas Littleton.*] We have had two Bills of Popery before us; that yeſterday, and the long Bill of Popery. It contains, amongſt other things, "the better conviction of Prieſts and *Jeſuits*, &c. and that the forfeitures of Papiſts convict ſhall go to the buying in of impropriations, &c."—And now the Committee will puzzle itſelf with this Bill *(it being moved for by ſome.)* If you will have a new Bill, I never heard yet of the neceſſary heads for it. The ſhorteſt way will be to go upon that Bill of Conviction, &c. and if any Gentleman hath any other foreign matter, or any new thing to preſent the Committee, not in that Bill, then it is proper for the Committee to proceed upon it.

Sir *Thomas Lee.*] Conſider the time of the year, and the time you have to do the thing in, and that there will be a thin Houſe, &c. and then money will be put upon you; and what money will do, if the conſequence be a great deal of money, or a great revenue? And ſo you will be where you were. If there be any new thing to be added to that Bill, let it be offered to the Committee. But if, as *Seymour* ſaid, you have a new King with no power, you will run into all the miſeries imaginable.

Sir *William Coventry.*] The danger is great, and therefore I would not have you delay your remedies. You muſt begin, in the time of a Proteſtant King, to provide againſt a Popiſh one. Though I have nothing to ſay for taking up the old Bill, yet I have nothing to ſay againſt it. If that Bill have any good in it, you may take it up; if not, reject it, or model it. I am of opinion, that it will be the eaſier way to have the better diſcovery of Prieſts and *Jeſuits*, and conviction of Papiſts, to be in one Bill.

The Speaker.] I am not for diſturbing tender conſciences; but when they will diſturb the Government, it is time to diſturb them. Therefore I would have the Knights, Citizens, &c. return the names of Papiſts, or

ſuſpected

ſuſpected Papiſts, &c. and by a day, that the Oaths, &c. be tendered them, or elſe to ſtand convict by Act of Parliament.

[*Reſolved*, That a Bill be prepared for the more eaſy Conviction of Papiſts.]

Heads of the Bill: "A liſt to be brought in of their names, &c. Conviction to refuſe the Oaths and the Teſt, &c. The Penalties, &c. for buying in of Impropriations, and augmenting poor Vicarages; and encouragement for diſcovery of fraudulent conveyances; and ſome part of the Penalty for breeding the children Proteſtants. Thoſe who come not in, and conceal themſelves, to forfeit four fifths of their Eſtates."

Saturday, November 23.

[A Bill for raiſing the Militia of *England*, was read the firſt time, and ordered to be read a ſecond time.]

Complaint was made of ſoldiers that threaten to take up quarters in houſes, unleſs they compound with them for money *.

Sir *Charles Wheeler*.] I ſent into the country to take away a halberd from one of my ſerjeants, and cloaths from the ſoldiers that did it; and I delivered them to a Juſtice of Peace, to be dealt with as rebels and rogues. I took the Commiſſion-Officer's Commiſſion from him, and I cauſed the money he took for quarters to be returned, and *Ayleſbury* and *Bedford* will give any teſtimony of my ſoldiers good behaviour.

Mr *Sacheverell*.] I wonder that any Gentleman ſhould preſs a queſtion for money to diſband theſe men. There is no Army; ſhall we go and give money to diſband people that ſtood, in contempt of an Act of Parliament, againſt Law? I ſcorn to give them a penny.

Sir *Nicholas Carew*.] Would you pleaſe to have the queſtion for money to diſband ſeveral thouſands of rioters? They are "rioters" in Law, for they are diſbanded already by Law, and I will not call them "an Army."

Sir *William Coventry*.] I am ſurprized to hear theſe men called "an Army." Surely, if the *Engliſh* language is not altered, the language of the Houſe is altered. The word

* No mention is made of this in the Journal.

"Army"

"Army" is too good for them. When we hoped we ſhould have had a *French* War, then they had another name. But becauſe they are not diſbanded, that they are "rioters," I am loth to ſay that; they have the King's Commiſſion, and why ſhould we criticiſe upon them, and not agree upon terms? The end of us all is to be rid of them. It is an Army, and if they be not diſbanded, I fear we ſhall find them an Army. Therefore I would unanimouſly conſider how to be rid of them.

Mr *Sacheverell.*] If you will take into conſideration the diſperſing theſe ſoldiers, diſbanded by Law, I ſhall conſent to it. Elſe I ſhall not agree to it.

Sir *John Talbot.*] I am under a great diſturbance, when reflection is made upon my fellow-ſubjects, who have as good *Engliſh* hearts as any men whatſoever. When, by the King's Commiſſion, theſe men have been taken into employment, and have been ſent abroad at great expence to their fortunes, for the ſervice of the nation, to be arraigned here for men neither of honour, fortune, nor religion,—this is not to be borne without doors amongſt Gentlemen! The King, for weighty reaſons of State, has thought fit to continue them to this time. What! muſt I throw up my Commiſſion? I have been on my own credit, for quarters for my regiment—Diſband them as ſoon as you will, but let them not go off with reproach, to be arraigned here for "rioters," and not to conſider that the diſcharging them is very ſevere. I never aſked any employment, nor care I for military command. I had rather command in the Militia than in the Army; but let us not be cenſured like raſcals here, but like men of honour. I would be diſcharged of my Commiſſion fairly and honeſtly.

Sir *Thomas Lee.*] I care not much for the Queſtion. I wonder that the Gentleman ſhould take ſo much exceptions at what has been ſaid. I have heard the Act ſpoken of for diſbanding theſe men. I know not how Gentlemen do think we ſhall be rid of them, when an Act of Parliament cannot do it. I think we ſhall hardly do it, when it has been paid for once before. I would have the

Gentleman

Gentleman *(Talbot)* ſhow us, how an Army ſhall be diſbanded, for the future, when an Act of Parliament will not do it.

Mr *Bennet.*] I am doubtful whether an Act of Parliament will diſband theſe men, or no; and we can go no farther than an Act of Parliament. How theſe men are in the eye of the Law, when diſbanded by Act of Parliament, let the Lawyers tell you. Therefore I will make you a Motion, That, at the ſame time you conſider of the paying off and diſbanding theſe men, you likewiſe conſider, how far criminal it is to raiſe contributions upon the country contrary to Law. I think it High Treaſon.

[*Reſolved*, That this Houſe will, on *Monday* morning, take into conſideration the ſtate of the Nation, in relation to the Army.]

A Meſſage was delivered from the Lords to deſire a preſent Conference, &c. concerning the Addreſs [ſent from this Houſe] for raiſing the Militia, &c. The Meſſengers, by an omiſſion, named no place; but the miſtake was paſſed over *.

Mr *Powle* reports the Conference: "That the Lords, upon inſpection of the Laws of the Militia, do find, that the Militia cannot be kept in muſter above twelve days, &c. in one year, without the King's direction. But there is no power, &c. to raiſe any money to maintain them. This they thought fit to acquaint the Houſe with, before their Lordſhips proceed any farther."

[Debate.]

Sir *Thomas Meres.*] I ſaid before, "that this Addreſs would not do without a Bill," and that Bill may be as ſoon diſpatched as an Addreſs, &c. The Bill will be but half a ſheet of paper, and the Lords will make quick diſpatch of it. I ſee there is no authority for fourteen days, unleſs the King pay them.

Sir *John Ernly.*] As to exerciſe, the Militia is not to be kept together above twelve days. But for a preſent ſatisfaction to the nation, you may have a Bill, &c. and may have effects of your deſires by Act of Parliament.

Mr *Powle.*] It is the deſire of all Gentlemen to have the Militia in a poſture ſuddenly for the danger we apprehend. There is power already for one general muſter, and

* In the Journal, "the Painted Chamber" is named in the Meſſage.

four

four particular ones, &c. And there is farther power, in the Act, to call the Militia together, when the King will, but at his own charge. If you give intimation to the Lords, that you will pay the Militia for the extraordinary days, by Bill, probably the Lords will agree to it; and your buſineſs is done.

Sir *Thomas Lee.*] I am afraid that, if you go to the Lords, and aſſure them any thing about money, they may put their hands into your purſes, and remind you of giving money. I would have you break ſo much Order, as to read the Bill once this morning, and ſit in the afternoon, and paſs it.

The Speaker.] That is againſt all Order. You will break a moſt eſſential Order of the Houſe, if you do ſo.

Sir *Robert Howard.*] I would, upon ſuch an emergency as this, bow a Law, but not break it. But the beſt way is by Bill.

Mr Secretary *Coventry* delivers a Meſſage from the King [in anſwer to the Addreſs of this Houſe, concerning Mr Secretary *Williamſon*] to this effect: "That ſeveral hours before his Majeſty had received the Addreſs, &c. his Majeſty had cauſed Mr Secretary *Williamſon* to be diſcharged from his impriſonment, as he told you, in the Banquetting-houſe, he would do. And as to the Commiſſions, &c. he told them the reaſons why he granted them. But that his Majeſty would recall them and, what other Commiſſions, &c. were given out. And he would take care, for the future, that none ſhould be given [to Papiſts, or reputed Papiſts,] either in *England* or *Ireland*."

Sir *Thomas Lee.*] I would have it underſtood, that the matter about his Majeſty's releaſing *Williamſon* is entirely before you ſtill.

Sir *Edward Dering* reports from the Committee, the following Reaſons for not agreeing to the Lords Amendments in the Bill for the Oaths and the Teſt to Members of both Houſes: "That the number of the Queen's ſervants, &c. is inconſiſtent with ſuch a Declaration in the Bill, "That none, that take not the Oaths, ſhould come near the King's Perſon." And not reaſonable to admit them now, becauſe of the Plot, &c. If Papiſts by the Proclamation are baniſhed ten miles from *London*, it is not adviſeable they ſhould be permitted in the King's Houſes, more than any where elſe. And ſuch a number of ſervants being exempted from the Oaths, they may then ſit in the Houſe of Lords, or Houſe of

of Commons, without Teſt or Oaths. And that ſo many ſervants, not exempted in this Act, excluſive to the whole Members of either Houſe, may be nominated to be the Queen's ſervants."

Theſe Reaſons were ſent up to the Conference.

Reſolved, That a Liſt of all perſons of note, being Papiſts, or reputed Papiſts, reſident, or having a conſiderable eſtate, within their reſpective Counties, be brought in, on *Tueſday* come ſevennight, by the Knights of the Shire: And that all the Members of the reſpective counties do meet together and agree, and prepare ſuch Liſts, [and ſign the ſame.]

Sir *Edward Dering* reports the Conference from the Lords: "The Lords did agree that our Reaſons were weighty, not to give any countenance to tolerate Popery in the King's Houſes. They propoſed an expedient, to leave the Queen wholly out of the Bill, and to leave out the Proviſo for the Queen's *Portugal* ſervants. They did but propoſe it; and would leave it to our farther conſideration. If we agreed not to this expedient, then they would think farther of the numbers and ſexes of the Queen's ſervants. If we agreed with them, then the Bill was paſſed."

The Speaker.] This way that the Lords have taken, is unuſual. I remember but one precedent, that Amendments of our Amendments have been offered at a Conference. This is propoſed from the Lords as an expedient. Now the Queſtion is, whether you'll agree to it.

Sir *Thomas Meres*.] The Lords were very ingenuous with us. Authoritatively, they ſaid, "there were precedents for what they did," but named none. They have ſaid the ſame thing over again. In the laſt Act of Popery, &c. they told us, "the Queen's Popiſh ſervants were but few, and would die off." And many other civil things they ſaid; but, under that, they give colour to Papiſts to come to Court. The Court is as neceſſary to be kept clear from Popery, as both Houſes of Parliament. But if you clear but in part, you will never be rid of Popery. If it be not neceſſary in Court as well as in Parliament, then you may agree with the Lords. But I think not.

Sir *William Coventry*.] The Lord Privy Seal ſaid it with a pretty kind of caution. He did not affirm precedents, &c. but ſaid, "ſometimes both Houſes of Parliament had accepted of expedients."

Sir

Sir *Thomas Littleton.*] The ſcope of the Bill is, that Papiſts ſhould not be in Parliament nor Court. As to the matter of the Bill, it has not the nature of an Expedient; it is ſomewhat leſs than was propoſed before to accommodate the thing. Before, it was twelve, and nine, and now the Queen may have twelve hundred, as the Bill will be.

The Speaker.] There is no ſuch Expedient as to leave out any part of the Bill. And now the Lords propoſe another Amendment, and ſo we ſhall never know when we are at an end of Amendments. Nothing was ever like this.

Mr *Powle.*] I confeſs, for my part, I do not know what the Lords mean by this Expedient. The Queen is in the whole Bill—The Queen herſelf muſt go—The Queen is a Peer, and muſt be tryed by her Peers. I would ſend to the Lords, to know, whether they intend, by this Expedient, that the Queen ſhould be turned out of the Court herſelf.

[*Reſolved*, That this Houſe doth not agree with the Lords in the ſaid Expedient. And Reaſons were ordered to be prepared, to be offered at a Conference.]

Monday, November 25.

The King ſpoke to both Houſes to this effect, reported by the Speaker: "That he had greatly obliged the *Spaniards* by keeping his forces in *Flanders*, which, they acknowleged, had been ſaved by his interpoſition—That he had been forced to employ the money granted for diſbanding the forces in *Flanders* in keeping them there, and is out of purſe more money, &c.---That the intereſt and honour of the nation had been improved by it, but that he cannot ſupport the expence any longer---That the forces in *Flanders* are expoſed to the utmoſt want and miſery, being without any proſpect of farther pay or ſubſiſtence---But that he is importuned by the *Spaniſh* Miniſters to let them ſtay in *Flanders* a little longer, without which all will be loſt, &c. And that between their importunity, and his own inability, he finds himſelf in great difficulties, and ſo deſires a Supply for diſbanding them without delay."

[The Bill for raiſing the Militia was read the ſecond time.]

Sir *Edward Dering* reports the Reaſons given by the Commons why they could not agree with the Expedient propoſed by the Lords, to leave out the Queen's ſervants entirely.

" That it is contrary to the conſtant Method and Proceedings in Parliament, to ſtrike out any thing in a Bill which hath been fully agreed and paſſed by both Houſes; and it would make the work endleſs, and might be of dangerous conſequence, if that Method ſhould be deſerted and changed.

" In the Amendment propoſed to the Bill by your Lordſhips, to which the Commons have diſagreed, the number of the Queen's ſervants, to be excepted out of the Act, was limited; but, by leaving the Queen's name out of the Bill, ſhe may have them without number. So that what is now offered, is worſe than what the Commons have already diſagreed to; and, conſequently, hath not the nature of an Expedient.

" That, by experience, it is found, that the Act, entitled, " An Act for preventing dangers [which may happen] from Popiſh Recuſants," proved ineffectual to remove Papiſts from Court, by reaſon there was no expreſs mention of the Queen's ſervants.

" The ſcope of the Bill relates not only to removing Papiſts out of both Houſes of Parliament, but alſo from the Court, as appears both by the Preamble and Body of the Bill: And the danger of his Majeſty may [reaſonably] be ſuppoſed to be chiefly in his Court: And the ſafety of his Perſon, the Commons think, ought [more] to be conſidered than any reſpects to any perſon whatſoever."

[This was agreed to by the Houſe, and a Conference was deſired.]

Tueſday, November 26.

[The Bill for raiſing the Militia paſſed.]

Debate on Mr *Bedlow*'s Pardon, which he deſired for concealing Treaſon one day.

Sir *Thomas Clarges.*] It is of dangerous conſequence to put *Bedlow* upon ſaying all he can of the Plot. The proſecution of the Plotters has been ſlow, and that has diſcouraged him. The Lords that are committed to the *Tower*, meet and rally upon their commitment. Mr *Oates*'s father is at the door. He ſpoke with me, and I was ſurprized when he told me that his ſon was now a priſoner, and he is to give evidence to-morrow againſt Mr

Mr *Coleman*, and muſt truſt to his memory, his papers being all ſeized. This is a great diſcouragement to him. Mr *Bedlow* tells you, "he is guilty of Miſpriſion of Treaſon if he reveals not what he knows within ſuch a time;" his evidence he is to give being ſince he had his Pardon; and he fears his evidence will make him more enemies, and he has a great many already, for what he has ſaid. I know not what to move; whether the Lord Chief Juſtice ſhould examine him; for his examination will be no ſecret amongſt us.

Mr Secretary *Coventry*.] It was ordered in Council, that Mr *Oates* ſhould have his liberty.

Sir *Thomas Lee*.] When Mr *Oates* went to ſee his ſon, it was ſo, he was a priſoner; but now *Coventry* tells you it is otherwiſe.

Sir *Thomas Littleton*.] It has been moved, "that the Lord Chief Juſtice may take *Bedlow*'s examination, and that *Bedlow* may give his information at the Bar"—All have their inconveniences, but the laſt has the leaſt. It is *Bedlow*'s own deſire, and I incline to that.

Sir *William Coventry*.] You will not give *Bedlow* aſſurance of his Pardon, till the King has aſſured us he will give it. If you urge him to declare what he knows, before his Pardon is obtained, you will be the inſtruments to bring him to the gallows. Therefore pray conſider that.

Mr *Powle*.] *Bedlow* deſired his Pardon, only for concealing ſome farther Treaſon, which is only Miſpriſion of Treaſon, which does not extend to life. The King having pardoned him Treaſon, we may be ſure he will pardon him Miſpriſion of Treaſon, on your interceſſion. I think it is moſt adviſable to have him declare the bottom of what he knows, which every man, I believe, deſires.

Serjeant *Maynard*.] I cannot ſpeak to what I know not, for I never ſaw his Pardon.

Mr *Powle*.] His Pardon is to the firſt of *November*; ſo that if any Treaſons, or Miſpriſions of Treaſon, have been committed ſince, he thinks himſelf out of the Pardon.

Colonel *Birch.*] I am one of thoſe that are at a little ſtand at what Sir *William Coventry* has ſaid. I move, therefore, that one of the Secretaries may go to the King for a Pardon for *Bedlow*, from the firſt of *November*. If any man is afraid of his throat for three days, let it be to-morrow.

The Speaker.] I ſhall aſk *Bedlow* what he has farther to ſay concerning the Plot, but not as to the circumſtances of the Plot.

Sir *Charles Harbord.*] I would leave him to his own diſcretion, and hear him what he will ſay; and then conſider what to do farther.

Mr *Powle.*] For Mr *Bedlow*'s own ſake, I would not have his Pardon to be for a day to come. I make a queſtion whether that Pardon be good in Law.

Sir *John Trevor.*] I move, that, in the Addreſs to the King for Mr *Bedlow*'s Pardon, the words "inclusive to this day" may be in.

[This was voted.]

Mr Secretary *Coventry* being ſent to the King with the Addreſs for Mr *Bedlow*'s Pardon, [as above,] brings this Anſwer: "That the King will conſider of it, [and return an Anſwer."]

Mr *Williams.*] The King's Anſwer to our Addreſs is as to Acts of Parliament, which is, in effect, a denial.

Sir *Thomas Lee.*] I ſee you have no Anſwer now from the King. I would therefore now adjourn. To-morrow, it may be, by this time, you may have an Anſwer.

Mr *Hampden.*] It may be, *Bedlow* may give ſome evidence as to Mr *Coleman*, who is to be tryed to-morrow. I move, that *Bedlow* may be ſent for in, and that you tell him what Anſwer the King has made to your Addreſs for his Pardon; and that you will not put him upon farther declaring what he knows of the Plot, till he has his Pardon.

Sir *Edmund Jennings.*] It may be, you may have an Anſwer from the King, within an hour or two; and in the mean time you may go on to other buſineſs.

Mr *Finch.*] I am for calling in *Bedlow*. I cannot ſcruple that the King will not pardon him Miſpriſion of Treaſon,

Treaſon, when he has pardoned him Treaſon. *Bedlow* confeſſes, he has farther Treaſon to diſcover than he has already told you. And if he does tell you any thing farther, he is in much better condition for your interceſſion.

The Speaker.] *Bedlow* does not ſay "he has Treaſon to diſcover," but "matters of great importance."

Sir *Thomas Littleton.*] I would not call him in at preſent; for the King having taken time to conſider of his Pardon, *Bedlow* will do ſo too; and I move that we may adjourn to three o' clock in the Afternoon.

The Houſe adjourned accordingly.

In the Afternoon.

Sir *Gilbert Gerrard.*] Now we are in the midſt of dangers of the King's life, I have heard of great reſort of Papiſts into this town, notwithſtanding the King's Proclamation, &c. I move that all the inns in the city and ſuburbs may be ſearched, that we may know what horſes are there, what numbers, and to whom they belong.

Sir *Edmund Jennings.*] What is obſerved by *Gerrard* is very true. I move that there may be a new Order to the Conſtables to repair to all lodgings, to know who they are, and how long they have lodged there; and to give an account of it *de die in diem.*

Mr *Williams.*] I would have things done legally, and, before you do any thing elſe, I would do what you can by Law; but this you cannot do.

Sir *Thomas Littleton.*] I obſerve, that, when we adjourn to the Afternoon, for ſpecial buſineſs, no other buſineſs is done or entertained. I would not adjourn yet, but ſit ſome time for the King's Anſwer. But do nothing elſe.

Mr Secretary *Coventry* brought the King's Anſwer, to this effect: "That the King had conſidered the Addreſs about *Bedlow*'s Pardon, and returns this Anſwer (*read by the Speaker*) "That Mr *Bedlow*'s Pardon to the firſt of *November* is as full to all Offences as can be deſired: If any Offence hath been committed ſince that time, his Majeſty ought to know it before he pardons it; for a Pardon for an Offence to come (as a Par-

don for a whole day incluſively amounts to, when it is granted before the day is expired) will not be good in Law."

Wedneſday, November 27.

Mr *Sacheverell.*] I move, that, before you proceed to the conſideration of diſbanding the Army, you will declare them "to be together againſt Law."

Sir *William Coventry.*] I would willingly diſband the Army, before we tell them of their faults.

Sir *Thomas Littleton.*] This is not told to the Army, but to others that have been the occaſion of keeping them together, after the Act for diſbanding them. I would proceed firſt upon *Sacheverell*'s Motion, to declare "that they are kept together againſt Law."

Mr Secretary *Coventry.*] The thing before you is of great weight. When the King makes Propoſals to you, you are not to make a Vote to make them impoſſible. There is great latitude in the Prerogative, but ſtill it is to be uſed for the good of the people. When you made the Vote for diſbanding the Army, it was clear Peace; but ſince, the King of *France* went back, and the *Hollanders* went back too, from the Treaty. When the King of *France* ſaw that the *Hollanders* would break the Treaty, then he agreed to the evacuation of places, but would have *Sweden* comprehended in the Treaty. Had you not kept up the Forces, you muſt have been put to a double charge in raiſing them again. And what is left the *Spaniard* in *Flanders* was by the help of the King's Forces, &c. What the King propoſes, ought to be taken into conſideration. The Treaty is not yet ſigned.

Mr *Powle.*] This Honourable Perſon has told you, "That if the King's Prerogative be well uſed, we have no cauſe to find fault." I know not what he means; but I am confident, if we had not had this Army, we had not had this Plot. I would gladly know whether ever theſe reaſons for keeping up the Army, he tells you here, were brought to the Privy Council, and there allowed? But if done from the Private Council, all your miſchief is from thence. He ſeems to make the keeping theſe men

men up, and our payment of them with the money we gave to diſband them, a kindneſs to us. If he pleaſe to tell us who we have that obligation to (the Private Council) I would gladly thank them for it.

Sir *John Ernly.*] *Powle* ſays, "he would gladly know who adviſed this, &c." I adviſed it not. I am ſure, had the King of *France* come on, and we ſent no ſupplies into *Flanders*, he had been in actual poſſeſſion of all *Flanders*. It is ſaid, "that the Army was the occaſion of the Plot." But by *Coleman*'s Letters, it began in 1674, 75, and 76; and that's a farther time than the raiſing of the Army. Set three Colonels aſide, that are Papiſts, and I know no Army more Proteſtant. I know who is the General, and there are very few Popiſh Officers. Of 25,000 men, there are not two hundred ſuſpected Papiſts. If they conceal it, they ſwallow the Oaths and the Teſt. This is a great brand upon them, to ſay, "they are the cauſe of bringing on this Plot." I think there is no preſent uſe of them, and therefore I would now conſider that they are Gentlemen, and have laid out their money to ſerve their Prince, &c. I would not lay a diſcouragement upon them. If you paſs a Vote, "That they are a Grievance to the Nation," pray conſider how to diſband them, and pay them off.

Sir *Nicholas Carew.*] As you conſider how they were raiſed, by Vote of this Houſe; ſo conſider how you were induced to it, by fine words. I will not ſay what elſe here. I will not ſay, this Army was raiſed for this Plot; but the more loyal this Army is, the more ſurely they might take away the King's life, and place the Crown on his Succeſſor. This Plot is for a loyal Army, and for ſetting the Crown where it ought to be; and I would have done ſo too, had I been one of them.

Mr *Williams.*] We ſhould be incircumſpect to fall into the ſame trap twice. You have been moved for a Vote, "That this Army is illegal, and a Grievance to the Kingdom." A force of men, kept up againſt an Act of Parliament, is illegal; and no man juſtifies the illegality of it. In the next place, whether it is a Grievance, or no?

By Secretary *Coventry*'s arguments, "it is by Prerogative againſt Law, but well employed." Here are ten thouſand in arms; too many for us five hundred of the Parliament here. Therefore I cannot ſay, "it is Prerogative well employed." Another ſays, "that many worthy men are in it, and we ſhould not give them diſcouragement." But is that a reaſon? It was a great part of the cunning to put this Army into Proteſtant hands—But the Officers may be changed, and Popiſh Officers put in their places. I look upon the Army as a ſham upon the people. I do not hear theſe regiments had any Chaplains with them; but I hear of Popiſh books amongſt them. You may ſcatter them by an Act, &c. but you cannot diſband them more than they are by Law already. I would give the King a Clauſe of Credit in a Bill, againſt you come again; but I would have them diſbanded firſt.

Colonel *Titus.*] A ſtrange circumſtance attended this Army. It was raiſed for an actual War with *France*; and this Army has made an actual Peace. Other Armies are a terror to their enemies; this to their friends. There is an end of an Army when diſbanded; but this is continued after diſbanding. You have been told of the advantages we have had by this Army; yet I would part with them; and ſo, I believe in my conſcience, would every Member of the Houſe. The pretence was fair that they were raiſed for, a War with *France*. And though they had no occaſion of ſerving you, yet I believe they would have ſerved you. To uſe them hardly, therefore, is not morality; therefore I would uſe them fairly. It is true, the Plot was more ancient than the Army. And though the Army was younger than the Plot, pray God it be not part of the Plot! In Peace, there is nothing for an Army to ſubdue, but *Magna Charta*. Juſtices of Peace and Conſtables are more requiſite now than Captains and Colonels; at preſent not neceſſary. But before we enquire why this Army was not diſbanded, according to Law, I would firſt diſband them. Enquire how we got the diſeaſe, but get a remedy

medy for it firſt. I move you, therefore, firſt to vote "that this Army be diſbanded."

Sir *Henry Capel.*] I would make ſome profit of this Army, that has coſt us ſo much. Men that have been brought up in a company would have it ſo here. The people have taken *Engliſh* Oaths, and have *Engliſh* Eſtates. I find there has been force in *England* formerly, &c. and Acts of Parliament have been made, from *Richard* II's time to *Henry* VI. againſt forces in arms, to the terror of the people. *Henry* VII. was a ſhrewd man. He took care that the Crown ſhould not be ſupported by force. 3 *Hen.* VII. the Statute againſt Retainers, "that nothing ſhould look like force and terror." Though this Army is very worthy and loyal—Do you think that in my Lord of *Eſſex*'s Army, in 1642, when *Cromwell* was but a Captain, any man could imagine that ever he ſhould have been General, and have uſurped three Kingdoms? No man knows the end of theſe things. We may have Popery encouraged by an Army, things coming by degrees upon us. I would have no Army at home but the Militia, and all other thoughts of an Army laid aſide. We know that the great men about the King are to remind him of his Laws. Great men ſhould have reminded the King of this Army, kept up againſt Law. There is another thing of great importance; the great men ſhould recommend the Nobility and Gentry to Places of Truſt, &c. and repreſent to the King, that he cannot have the purſes of his people, unleſs he have their hearts; and how dutiful and liberal his people have been to him: As Lord *Burleigh* did to Queen *Elizabeth.* It is not this new doctrine of putting out Lord Lieutenants and Juſtices of Peace, that are honeſt Gentlemen, and have ſerved the King and his Father. But this is a thing of great fineſſe, and admirable nicety; it is a hard thing for me to underſtand it. Let the King exerciſe his own thoughts, and his own underſtanding, and he is the beſt King in the world. And then, if there ſhall be a War, we ſhall be all of a piece, and not have a Queſtion carried by one or two voices. Our miſery

ſery lies here, that there are men, who keep the King and Parliament from a good underſtanding. Sometimes what we do is like the Long Parliament in 1642; and the King is in the hands of 1642. What is this, but bringing us to diſtraction? And after all this, I am a good Church of *England* man, and I ſay the Proteſtant Religion is at ſtake; and therefore would lay aſide all theſe notions. I agree, that the keeping up the Army is a breach of the Law, &c. but I would have that the ſubſequent Queſtion. Therefore I move "for an Addreſs to the King, that the Army may be diſbanded that was raiſed ſince the 24th of *September* 1677, and thoſe come out of *France* ſince that time, &c."

Lord *Cavendiſh.*] Another Act for diſbanding the Army may poſſibly be an Act of continuing them, if we reflect upon what Mr *Oates* ſaid, "That we ſhould have other Miniſters from *Rome*, when the Plot took effect." But methinks it is very unreaſonable they ſhould not be content with the old ones, that have been ſo ſerviceable to them. I would not have the Miniſters make uſe of an honourable Peace for continuing the Army, as they did of an honourable War for raiſing it.

Mr *Boſcawen.*] I am againſt promiſing money before we know how the Army will be diſpoſed of. Men in a crowd are often carried on againſt their inclination. In the late times, ſeveral of the Officers of the Army gave up their Commiſſions, when they ſaw what deſigns were intended; but the Army remained, and did what they would. You cannot too much quell this ſpirit of an Army, in time of Peace. If you go the ſame way you went before, to diſband this Army, you cannot but expect the ſame effect. What has been, may be again. If you go in the ſame method you went in before, you will not only be deceived of your money, but be farther off from diſbanding them. Therefore I cannot conſent that you ſhould go the ſame way.

Colonel *Birch.*] If I can attain my end by ſmooth words, I will never uſe bad ones. We all agree in the end, to diſband the Army, but ſomething we ſtick upon a little, viz.

viz. " That this continuing them is illegal." To that I believe you will not have a negative. But I am not for putting that Queſtion now. If to deter for hereafter, better not now, but another time; for I fear, when there is an occaſion for an Army indeed, they will be ſo afraid you will not have them again. But I am not for their coſting you any more money, if you have not your end, which is to be rid of them. Moſt agree, that in this Deſign or Plot, (I think it holds to be a Plot yet) they were ſtark mad, if they ſtruck their fatal blowswithout an Army. So much the Army was towards the Plot. Firſt I would inform myſelf, what money would diſcharge them, thoſe raiſed ſince *September* 1677, and thoſe come out of *France*. But I cannot but obſerve, that thoſe men that came out of *France* are ſet to guard *London*, and freſh-bodied men ſent into *Flanders*, that are not uſed to it. I believe 200,000*l.* will diſband them, and you may begin it the next week, and be doing with ſome preſently. Reſolve on an Act for raiſing 200,000*l.* payable to the Chamber of *London*, and to ſuch hands as the Chamberlain ſhall appoint, and to borrow 200,000*l.* for the preſent. This is my way, and it may do it.

Mr *Swynfin.*] The work we are upon is of great weight, and, as it is ſo, a work of great difficulty. All are agreed that it is for the public good to diſband the Army, and ſpeedily, and of greateſt weight to do it ſuddenly. I muſt take notice of the overtures for diſbanding the Army, both before and now. I cannot directly repeat the King's words in his Speech, " that he would keep up the Army if it were in his power, till the iſſue of that Treaty on foot was known," but left it to you whether to diſband them or no. He has been importuned by the *Spaniard* to keep them up, till the ratification of the Peace be paſſed, becauſe, if the forces were then withdrawn, all the reſt of *Flanders* would be loſt. Now we are going upon the ſame work we were upon, let us not run upon the ſame rock. Though he left the diſbanding them to you, yet I fear this will be underſtood as a reſerved qualification, if the Peace be not ratified, and you take no notice

of

of it. I think the ſenſe of the Houſe ſhould be underſtood in this; for if it be known that whatever the iſſue of the Treaty be, you will diſband them, now whether the ratification of the Treaty be, or be not, you will think it neceſſary to diſband them—This I offer as one caution. I would be governed by the words in the King's Speech. Do without delay what you do in it. Unleſs they are diſbanded whilſt the Houſe ſits, I fear it will be otherwiſe. In order to conſider what money will diſband them (for it may be, the money we gave for diſbanding them has paid them till now) I would have that clear before you, and then you may know with what ſpeed you may raiſe this money.

Mr Secretary *Coventry* offered the Memorial of the Marqueſs of *Bergamene*, the *Spaniſh* Ambaſſador, about that King's deſire of retaining the Forces in *Flanders*—*But it was refuſed.*

Mr *Papillon.*] There are not above five thouſand of theſe men in *Flanders*; the reſt of the thirty thouſand are in *England*; for what intent I know not. Thoſe in *Flanders*, that went over for the honour of the Nation, are unpaid; and thoſe here are paid, and in no want. Thoſe in *England* are a Grievance, all agree, and that never looked towards *Flanders*. My meaning is, that by this the *Flanders* Forces could not be paid longer.

Sir *Thomas Clarges.*] The difference between the *Flanders* Forces and thoſe here, is this; the *Flanders* Forces were ſent from hence, and thoſe here lie in quarters, and the inn-keepers give them *6d.* a day, five or ſix of them in a morning, to be rid of them. When the King of *France* made ſo great a conqueſt in *Flanders*, he might have taken all the towns, even *Bruſſels*; but that would have irritated the *Dutch* into the Confederacy. The *French* King can have *Flanders* when he will. It is the intereſt of Chriſtendom that you ſhould draw theſe Forces away, to engage the *Hollanders* into a League for the preſervation of *Flanders*. We ſent theſe men over, to make a baſe and diſhonourable Peace; and the *Hollanders* feared that we ſent them over, not only to help *Flanders*, but to diſſolve their Government. And they feared

us.

us. Withdraw your men out of *Flanders*, and *Holland* will pour men in. Though *Holland* had Peace with *France*, yet they put men into garriſons, regiment after regiment. And withdraw your Forces, and they will pour men in apace.

Mr *Powle*.] I think we ſhould take no notice of the *Spaniſh* Ambaſſador's Memorial, offered you by Secretary *Coventry*. The *Spaniards* do what is good for them, and we muſt do what is good for us. Our Crown owes little obligation to the *Spaniards*, for they made Peace with *Holland* without the participation of *England*— Therefore I move that the Forces may be diſbanded.

[*Reſolved*, *Nemine contradicente*,] That it is neceſſary for the ſafety of his Majeſty's Perſon, and [preſerving] the Peace of the Government, that all the Forces which have been raiſed ſince *September* 29, 1677, and all others [that ſince that time have been brought over from beyond the ſeas from foreign ſervice] be forthwith diſbanded.

[*Reſolved*, That it is the humble opinion and deſire of this Houſe, that the Forces which are now in *Flanders*, may be immediately called over, in order to their diſbanding.]

Thurſday, November 28.

[Mr Secretary *Coventry* acquainted the Houſe, That he had attended his Majeſty with the Addreſs relating to Mr *Bedlow*'s Pardon for Miſpriſion of Treaſon; and that his Majeſty was pleaſed to return this Anſwer: "That Mr *Bedlow* ſhould have his Pardon, according to the Addreſs." And likewiſe with the Addreſs for diſbanding the Army; "which being a matter of great moment, he would conſult and adviſe with his Houſe of Lords before he would give an Anſwer."]

[*Ordered*, That Mr *Bedlow* be forthwith ſent for.]

Sir *Charles Cotterell* gave the Houſe an account that there had been a Letter ſent to the *Dutch* Ambaſſador, that a *Jeſuit* diſcourſing with a Merchant at *Francfort*, who was going for *England*, told him, "That before he could get into *England*, there would be a great change there, and their deſign for ſetting up the Catholic Religion would take effect; and that there were above a thouſand *Jeſuits* engaged in it." During this diſcourſe the news arrived, that the Plot was diſcovered in *England*, &c. The *Jeſuit* thereupon went aſide, and was ſeen no more*.

* This Letter was laid before the Houſe the next day, and communicated to the Lords.

[An

[An ingroſſed Bill from the Lords, for the better Diſcovery and ſpeedy Conviction of Popiſh Recuſants, was read the firſt time.]

Mr *Sacheverell.*] I know that, at the firſt reading of a Bill, by Order, I am not to make any exceptions to particulars. By this Bill, it is in the election of the Exchequer how to convict a Papiſt. And no part of the penalty (as the Bill is penned) is to go to public uſes; but all the ſame way as by the former conviction.

Sir *Thomas Littleton.*] I would forbear this Bill awhile; you have an effectual Bill towards this of your own, and let this lie upon the table. And in time, out of this Bill and that, you may have ſome effect. Juſtices of Peace have formerly had ill will for acting; therefore I would, in this Bill, have ſomething of compulſion upon them. By the former Laws, when a Papiſt was returned into the Exchequer, and the Eſtate was to be gone upon, a man of 1000*l.* a year, may be was returned 28*l.* a year. This Bill is infinitely ſhort of what you intended in the former Bill.

[*Reſolved*, That the Bill be read a ſecond time.]

The Speaker.] I have intimation, from a Member of the Houſe, that Mr *Pepys* has granted Paſſes to ſome *Jeſuits* to go beyond ſea, &c.*

Mr *Pepys.*] I am much more beholden to you, Mr Speaker, than to the Member that informed you. I challenge any man that can ſay I ever converſed with a *Jeſuit*, ſpoke with, or granted him a Paſs, in my life.

Mr *Bennet.*] One Dr *Conqueſt* got a Paſs by means of Mr *Atkins*, *Pepys*'s Clerk, for Mr *Thimbleby*, a *Jeſuit*, to go beyond ſea.

Mr *Pepys.*] As for *Thimbleby*, I never granted him a Paſs, and he never aſked me a Paſs; and granting of Paſſes is wholly foreign to my employment.

Colonel *Birch.*] *Pepys* ſays, "that he never converſed with a *Jeſuit*, nor granted him a Paſs, &c." It lies on

* There is no mention of this in the Journal.

the

the other ſide to prove it. *Atkins* is ſaid to be a ſervant to *Pepys*. I believe he can give you an account where *Atkins* was *Saturday*, *Sunday*, and *Monday*, when *Godfrey* was miſſing.

Mr *Pepys*.] *Atkins* was ſervant to my head-clerk, and is one year out of his apprenticeſhip. Where he was *Saturday*, &c. I know not, for I was thoſe three days with the King at *Newmarket*. If you aſk me of his deportment, I can bring thoſe of my family who will be ready to tell you.

[*Ordered*, That the Door of the Houſe be locked, and that Mr *Bedlow* be called in, &c.]

Mr *Bedlow* at the Bar.

The Speaker.] The Houſe has information, that you have ſomething of moment to inform them. You made doubt of your Pardon the other day; but now you have aſſurance from the King, that your Pardon is as full as the thing requires.

Mr *Bedlow*.] I was laſt night at the Council-board, where I had the King's word for my Pardon; and that in all things he could, he would preſerve me. And I had the King's thanks for my clear evidence againſt Mr *Coleman*, where I proved the Letters from 1677. What I am to inform you now, is of a late Conſultation held at *Somerſet-houſe*, the 11th of *May* laſt. The Conſultation was held in a room near the Chapel, where were preſent Lord *Bellaſis*, Lord *Powis*, Mr *Sheldon*, and two *French* Abbots, with Mr *Coleman* and Mr *Pritchard*, and two more, who, by the reſpect that was given them, I believe were Perſons of Quality. The Queen was with them; and Father *Welſh* and myſelf were in the Chapel. *Coleman* and *Pritchard* told me, "They made the Queen weep with the propoſition of taking off the King; but at laſt ſhe conſented to it*." I was

* It was a known thing that his Majeſty was not overfond of his Conſort; and it was generally believed that he would have been glad of another, as well for the ſake of iſſue, as variety. Here then was the faireſt opportunity imaginable laid before him, to do what he was thought to deſire moſt: A charge of High Treaſon, brought home to her Majeſty's life by an overt-act, and ſupported by a brace of witneſſes [*Oates* and *Bedlow*;] and all this at a time when the people were ſo exaſperated againſt the preſumptive Heir, that any expedient, of any kind, to ſet him aſide, would have met with a hearty welcome. But to the King's honour it ought to

ſent

ſent to *Doway*, with a letter to the Monks there, which was a final anſwer to Father *Le Chaiſe*—They hoped by that time the execution of the Plot would be. *Stapleton* opened the letter, and by it underſtood that all went well in *England*; "that they were ſtronger and ſtronger; and that at laſt they had brought the Queen to conſent, &c." At ſupper, at *Terroune*, *Stapleton* ſaid, "it was the Queen that was at the Conſultation at *Somerſet-houſe*; and that he and I knew that before." I have given the King and the Lords of the Council a copy of all this—I will preſently copy out what I have ſaid, and give it you more clear. Only I have this more to ſay of the Perſons of Quality, that had their backs towards me; they were the Duke of *York*, and the Duke of *Norfolk*. The Abbots were, *Carolo Le Phaire*, and *Carolo La Roche*.

[*Ordered*, That Mr *Bedlow* do take his information, and write a fair copy, and deliver the ſame into the Houſe.]

On Mr *Fleetwood*'s information about one *Douglas*, a *Scotch* Officer, of ſome words againſt the King, &c.

Sir *John Ernly*.] I would have my Lord General ſent to, to find this man out. (*There was a loud cry*, "We know no Lord General, and no Army.")

Debate on Mr *Bedlow*'s information.

Sir *Richard Temple*.] In Queen *Elizabeth*'s time care was taken, if ſhe ſhould die, that things ſhould not be better for the Papiſts. I would have it made their intereſt to keep the King alive. And if there be any Proteſtants children that turn Papiſts, that they ſhall be made incapable to inherit any eſtates.

Mr *Bennet*.] Let ſuch a Bill be without Proviſos (*meaning "not to exempt the Duke," as in the other Bill*) and then you will have ſome good of it.

be remembered, that, inſtead of embracing it, he attended to the depoſitions with indignation; and was heard to ſay, "They think I have a mind to a new wife; but, for all that, I will not ſee an innocent woman abuſed." Certain it is, that, upon this occaſion, he cauſed *Oates* to be clapped up in cloſe confinement, his papers to be ſeized, his ſervants to be diſmiſſed, and nobody to be admitted to converſe with him, unleſs one of the Clerks of the Council was preſent. *Ralph*.

Oates had, in the ſame manner, charged the Queen upon oath before Mr Secretary *Coventry*, *Nov.* 24; which he alſo confirmed upon oath, the next day, before the King and Council. *Bedlow* was before the Council on the 27th.

Sir

Sir *Henry Littleton* and Mr *Goring* were with Mr *Bedlow*, copying out his Information, in the Speaker's Chamber. Upon intimation of it to the Speaker, the Serjeant was ſent up for them; who informed the Speaker, "That he could not tell who the Gentlemen were, but he had brought down as much of their paper as was copied;" which the Speaker (by Order) did tear. The thing went no farther.

Sir *William Coventry.*] I think, there was one ſingle word in Mr *Fleetwood*'s Information, viz. "Have *patience*, and the Plot will be effected;" that is of ſome moment. Men of temper and patience are more dangerous than thoſe of heat, in things of this nature. I would ſecure men, and do theſe things by the Civil Magiſtrates, and according to Law. *Douglas* is a ſingle perſon, and may ſlip away. But for the General to ſtrengthen the Lord Chief Juſtice's hands in this, is not beſides the buſineſs. I would acquaint the King with it, and deſire him to give aſſiſtance to the Lord Chief Juſtice in apprehending the man.

Sir *Thomas Byde.*] This Enſign, for the preſent, is out of office, but not out of pay. And he keeps within five miles of the company, and ſays, "he ſhall ſhortly be taken in again."

Ordered, That Mr Secretary *Coventry* go out to ſign a Warrant for taking of Enſign *Douglas* into cuſtody; and that no Member [elſe] preſume to go out of the Houſe without leave.

Four Members only were ordered to attend the Lords with a Meſſage, viz. Lord *Cavendiſh*, Lord *Ruſſel*, Sir *William Portman*, and Mr *Montagu*, "To let the Lords know, that this Houſe will ſit this afternoon, on matters that relate to the preſervation of his Majeſty's Perſon and Government, and to deſire their Lordſhips to do the like."

Mr *Bedlow* then brought in his Paper ſigned, and the Speaker read it. And *Bedlow* owned every word of it to be true as the Goſpel. *And withdrew.*

Mr *Oates* at the Bar.

The Speaker.] Mr *Oates*, as the Houſe has information that you can make farther diſcovery of the Plot, they have ſent for you, to know what you have farther

to ſay of any matter of moment for the preſervation of the King's Perſon and the Government.

Mr *Oates*.] I have an unjuſt reſtraint upon me, and my Papers have been taken from me, contrary to the known Laws of the Kingdom. And I fear, if I diſcover any thing here, I may be kept ſtraighter. I deſire I may be diſcharged from my reſtraint at *Whitehall*. If they intend by it the ſecurity of my perſon, I undervalue it. I can ſecure myſelf better in another place. I cannot ſpeak with my friends; I have my writings taken from me, and my ſervants; my pockets have been picked; and I will charge that man that did it with felony. Though I intended to make no great noiſe, yet now I ſhall ſpeak aloud. They need not fear that I'll run away; I'll be under any recognizance to proſecute the Conſpirators. I deſire my liberty. I can ſpeak to my friends here, though I cannot at *Whitehall*. [*He withdrew*.]

Lord *Cavendiſh* reports, That the Lords intend to ſit this Afternoon, according to the deſire of this Houſe.

Sir *Nicholas Carew*.] Though you are told that Mr *Oates* is releaſed from his reſtraint at *Whitehall*, by Order of Council; yet to be reſtrained by ſome great perſons, and ſo diſheartened—I would know, who has reſtrained him, that he may be called to account.

Mr *Williams*.] Pen, ink, and paper to be forbidden a man, is an extraordinary reſtraint! What! is it to prevent diſcovery of the Plot? If this be true, it muſt be from great men, it may be, too big for him. Pray let that be looked into.

Sir *John Ernly*.] I was not at the Council, when *Oates* made complaint of his reſtraint. But I have heard that my Lord Chancellor ſhould ſay, "he ſhould have pen, ink, and paper, but not liberty to ſend out letters; and that no man ſhould be with him, but in the preſence of a Clerk of the Council."

Sir *Thomas Clarges*.] We are unhappy, if this thing be too big for us. I know not what the matter is, that *Oates* has not the liberty of any ſubject. "He will give any ſecurity (he tells you) to proſecute." I hear that ſport was made at the 200*l*. that was given him, in the Lords Houſe. I would have 200,000*l*. given him. The ſaving

ing the King's life, by the diſcovery of the Plot, is above the Reſtoration of the King. He cannot be too well rewarded. I would have you addreſs the King for his liberty, and an honourable maintenance for him.

Sir *Thomas Lee.*] I would know how long this confinement has been upon Mr *Oates*, and why it has been ſo; and how the Houſe has been miſinformed, as well as *Oates* miſuſed?

The Speaker.] To underſtand the matter of fact, pray call Mr *Oates* in.

Sir *Winſton Churchill.*] Mr *Oates* was buſy writing, as if he intended to print ſomething. This was a week ſince. *(He was laughed at.)*

Sir *Thomas Meres.*] After both King and Kingdom have had ſo great a deliverance by Mr *Oates*'s diſcovery, that he ſhould be uſed like a rogue for it, at the Lords Bar! It was conſidered whether he ſhould have money for ſhoes and ſtockings. The next news, Mr *Bedlow* may be uſed ſo. An hundred pound is as little as can be thought of for his preſent uſe.

Mr *Oates* was brought to the Bar.

The Speaker.] Mr *Oates*, the Houſe is under a great ſurprize that you ſhould be under any reſtraint, or durance. They deſire to be informed, from yourſelf, of matter of fact.

Mr *Oates.*] On *Sunday* night, after I gave my Information to the King about the Queen *, the ſubſtance whereof you know, pen, ink, and paper were taken from me, my ſervants were ſent away, and the Yeomen of the Guard were ſmoking tobacco in my chamber. My own friends were denied acceſs to me, and forbid to ſpeak to me, unleſs in the preſence of one of the Clerks of the Council, and my Counſel was taken from me. I know the privilege of an *Engliſhman*, to have no reſtraint upon him, unleſs there be criminal informations againſt him, and I have none againſt me. From this reſtraint at *Whitehall*, I may be carried to *Newgate*. I know I was guilty of Miſpriſion of Treaſon, and I would have given in my Information againſt the Queen ſooner, if I durſt have truſted. One of the perſons I revealed ſome circumſtances to was taken from me—I deſire I may have

* See p. 287.

my Pardon to the firſt of *November*, for Miſpriſion of Treaſon. My reſtraint continues upon me ſtill. I have my papers, but I have no privilege to ſpeak to my father, or other perſons, and have no liberty for my Counſel to come to me. The Marqueſs of *Wincheſter* did but aſk me a queſtion, and had a rub from one of the Officers that guarded me. Till I have my liberty, if I ſuffer ten thouſand deaths, I will not open my mouth any farther of what I know. *He withdrew.*

Mr *Williams.*] You have information plainly from Mr *Oates* of his reſtraint. If he be not contradicted in what he has ſaid, we ought to believe him. The perſons preſent, at the time he mentions, may diſprove much of it, if not true. You have the man that gave the firſt diſcovery of the Plot, and him that diſcovered the murdering of *Godfrey*. I value it, upon the account of diſcovery, that that ſhould not ſtop by this diſcouragement, to be handled thus like a rogue. If a man be of a gentleman-like ſpirit, he'll rather go to *Newgate* than be under them at *Whitehall*. If you will not ſearch into this, I will ſearch farther into nothing.

Sir *John Ernly.*] I ſee here is a contrary apprehenſion of the thing. What reſtraint Mr *Oates* had, was in order to his ſafety, for his perſon and papers. I ſay there ought to be ſome conſideration had, how Mr *Oates* ſhall be forthcoming, to proſecute the Plotters; and that our zeal may not tranſport us beyond our end. For his ſubſiſtence, he has wanted nothing.

Sir *Chriſtopher Muſgrave.*] We owe much to this man. I would have him tell you what he will propoſe for his ſecurity and ſubſiſtence.

Colonel *Titus.*] We are told, "that this reſtraint is for Mr *Oates*'s ſafety," for his father muſt not ſpeak with him. I know not the meaning of that, unleſs they apprehend danger that his father ſhould cut his throat. Deprived of his pen, &c! That is but an ill inſtrument to make himſelf away with. I know not what diſeaſe *Oates* has to be cured of, by ſmoking him with tobacco.

Sir

Sir *John Ernly.*] People do ſkulk into Mr *Oates*'s chamber; and if any accident had happened to him, what would you have thought of it?

The Speaker.] Mr *Oates*'s firſt coming into *Whitehall* was at his own deſire, and that he might not ſtir without guards. But how far this has been improved upon him as to reſtraint, I know not. But I doubt how far his evidence will be good in Law, if he be under reſtraint.

Sir *Thomas Meres.*] The ſecurity of his perſon was good, right, and juſt, till *Sunday*; but neither *Ernly* nor any man can anſwer why he ſhould be debarred ſpeaking with his Counſel, and his father, or his friend. Let the intention of the Privy Council be what it will, they are weak, or we are ſo. All the wiſdom of the nation is not collected in the Privy Council. This is not to be told to all the Commons of *England.* I would hear *Oates* again, and then you may make ſome reſolution.

Mr *Oates* was called in again.

The Speaker.] Mr *Oates*, when you firſt made a diſcovery of the Plot, you deſired to be at *Whitehall*, and to have a guard for your ſecurity; and you thought yourſelf ſafe at *Whitehall*; but now you think otherwiſe. If you now be diſcharged from *Whitehall* and your guards, what method will you propoſe, yourſelf, if you be diſcharged of your guards, and go from *Whitehall*, for your ſecurity for giving evidence, and of your perſon?

Mr *Oates.*] The Lords ordered me three ſervants for my attendance and guard, for my ſafety, in whoſe hands I durſt adventure my life. I can ſerve the King and Kingdom, without the King's daily maintenance. But if this Houſe will help me, I will accept it thankfully. But if this Houſe cannot prevail for my freedom, &c. I had rather be without *Whitehall*-bread, than to have no liberty—My ſafety is not in *Whitehall.* —But I am in ſome danger of being poiſoned, as I was before of being ſtabbed. Thoſe that put the King upon this way of ſecuring evidence, will find it all diſcovered. No man can be reſtrained of his liberty, without good evidence againſt him. My Treaſon is not ſo great, as in the perſon that I now diſcover. Muſt not the King's evidence ſee one another? For it is Treaſon,

ſon (it ſeems) to look one another in the face. I deſire firſt, that my father, and my Counſel (who is an honeſt man, and of good repute, and known) may have liberty to come to me. I plot not with my Counſel, nor they with me, with thoſe who would ſmother this Plot. I deſire that Dr *Tongue* may be ſent for; for the Houſe was ſhort in ſomething they ſhould have aſked him. I deſire I may provide my own lodgings, near the Houſe, and that I may provide for myſelf. If I cannot be permitted, I'll tell you. My Lord Chancellor made me the propoſition of allowance for boots and ſhoes, &c. I looked upon it as a ſore diſgrace, though I believe the Chancellor meant honeſtly. My fortune would be better, if I ſhould not diſcover any farther, &c. but I will endeavour to ſave three Kingdoms, but not diſſerve one; though my Lord Treaſurer ſpoke ill of a Letter of mine. I never knew ſecurity to proſecute, &c. more than one's ſingle bond only; but if it be required, I'll endeavour to get other ſecurity, that I ſhall proſecute the perſons accuſed. *He withdrew.*

Mr Secretary *Coventry.*] At the Council there was ſome Debate about Mr *Oates*'s liberty, and his papers. There was an addition to the Order, "that he ſhould not ſpeak to any perſons but in the preſence of a Clerk of the Council *. But what was done after I went away, I know not.

Sir *Thomas Lee.*] I find now, that *Oates*'s liberty is the ſame with Mr *Coleman*'s in *Newgate.* He might ſpeak with his wife, but in the preſence only of the Keeper of *Newgate.*

Sir *Thomas Littleton.*] The Abbey-church-yard is a convenient place for *Oates*'s lodging. There is a company of foot of the Militia upon guard. He may have two or three centries to guard him. I am for taking all theſe men in their own way. And that he may have 200*l.* for his occaſions; and ſecure himſelf to his content. But one thing ſticks with me. Whether it is adviſable to go upon his own recognizance only, to proſecute, &c.? In a very great caſe, as this is, if his father, or any one perſon be bound with him, I am very well ſatisfied. There is a way of ſpiriting men away, and you may never know what is become of him. And,

* See p. 288.

in

in that caſe, it is hard to be bound for a man. Do what you pleaſe. I would venture to take his own ſecurity to proſecute.

The Speaker.] I have not heard of any perſon that is a proſecutor, that has been obliged to give ſecurity with him to proſecute. If he does refuſe to proſecute, after he has given information upon oath, a Juſtice of Peace may commit him to priſon.

Colonel *Birch.*] I would thus far let Mr *Oates* have his deſires, viz. "to have his own ſervants and his own diet, and to be where he will." But I had rather have him at *Whitehall*, and his guard out of doors. "Two hundred pound" is propoſed for ſubſiſtence-money; I would have it ten hundred pounds. It is ſtrange, that, after all his diſcovery of the Plot, of a Navy, and an Army, &c. and we are told he has his liberty again *. We may in time talk of that.

Serjeant *Maynard.*] To what degree this Mr *Oates* has made his Information, I would have you conſider. What did this man get by it? He has forfeited his own life, if he be not pardoned. Something extraordinary, ſure, induced him to this diſcovery. There was little proſecution of the Plot, till Sir *Edmundbury Godfrey*'s death. What ground was there for *Godfrey*'s death? Nothing, but in relation to Mr *Oates*'s Information. How many lies and ſtories were made, to perſuade the world about it? But when the murder was diſcovered, the world was awakened. That which was examined before, every one had notice of. But *Oates* could not imagine *Coleman*'s papers, to confirm his evidence againſt him. Every man's mouth was full of *Oates*'s ſingle evidence; but when *Coleman*'s papers were diſcovered, and *Coleman* could not deny them to be his own; then *Oates* having gone ſo far, it looked [like] a countertally in the *Exchequer*. That juſtifies that *Oates* is not a liar. Now Mr *Oates* is under reſtraint for all this. It is great prudence for him to be ſecured, but it is not juſtifiable for him to be puniſhed, by with-holding pen,

* *Sic MS.*

ink, and paper from him, his father, and his counſel. *Quis cuſtodit cuſtodem?* He tells you he is in danger of his very keepers. As for temptation to retract his evidence, if there be any thing in that, he would have had it before now. I move, therefore, that he may be ſtill at *Whitehall*, but let him have his own ſervants, friends, &c. I never knew in ſtory, but that Princes have had information of dangers deſigned againſt them ſome way before-hand. *Gedalia* told the perſon who informed him his throat was deſigned to be cut, "he lied," and believed it not, and his throat was cut. The Duke of *Guiſe*, who was killed at *Blois*, by Order of *Henry* III. of *France*, would never believe it, though he had a letter ſent him in a handkerchief into the Council, to give him notice of the deſign againſt him. Examples are frequent, where informations of this nature have been ſlighted. The Information of this Plot comes from all hands. I pray God we be not as the commonwealth of *Jeruſalem*, *That hearing we will not hear, and underſtanding we will not underſtand.* What *Oates* has ſaid, has hitherto been true. I would therefore take care that the man may be at eaſe, and have his own ſervants, &c.

[*Reſolved*, That an humble Addreſs be preſented to his Majeſty, to deſire his Majeſty, that Mr *Oates* may be under no manner of reſtraint whatſoever; and that he may be allowed his own ſervants to attend him, and the liberty of providing his own neceſſaries; and that his Majeſty would be graciouſly pleaſed to give order, that he may have a preſent ſum of money in hand, and a competent weekly allowance for his maintenance; and that his friends and relations may have free acceſs to him: And that his Majeſty would be farther graciouſly pleaſed, that Mr *Oates*'s Pardon may extend and relate to this day, for Miſpriſion of Treaſon.]

Mr *Oates* was brought to the Bar.

After having preambled ſomething about his Pardon, which the Compiler did not well hear, he ſaid, I do accuſe the Queen for conſpiring the death of the King, and contriving how to compaſs it *. I ſaw a Letter, in *May* laſt, from Sir *George Wake-*

* "This accident (as *Burnet* calls it, meaning this charge againſt the Queen) took off (he ſays) much from *Oates*'s credit."

man,

man, the Queen's Phyſician, to *Aſhby*, alias *Thimbleby*, a *Jeſuit*, &c. *(which is ſpoken of at large in* Wakeman's *Tryal.)* In that Letter, *Wakeman* liked well the propoſal of killing the King, if it could be, and the Queen had engaged him in that work. Upon mature deliberation, finding this was a thing not to be concealed, I feared that the Queen, the wife of the King's boſom, might have opportunity—And for another reaſon, I did not give evidence of it in Court, till I told the King of it. In *July* laſt there was a Meſſage from the Queen for three or four *Jeſuits* to attend her at *Somerſet-Houſe*, and I had order to wait on them. They went into the chamber. I followed them, and ſtood in an anti-chamber. I heard the Queen then ſay, "She would no longer endure the affronts ſhe had received, but would revenge the violation of her bed." (I have been oppreſſed by my reſtraint, and I cannot ſay the very words, but I refer myſelf to the Minutes taken before the Lords of the Council.) I deſired to be introduced by the *Jeſuits* to the Queen, after the Conference at *Somerſet-Houſe*; and, upon my ſalvation, I ſaw no woman in the room but the Queen. She gave the Fathers 4000*l.* for the Society of *Jeſus*. Of this I have evidence, by a Letter of Thanks for it from them. This Letter I ſaw, and, in that Letter, the Queen's reſolution to ſtand by them in propagation of Popery. In another Letter, &c. That there were ſeveral occaſions for great ſums of money, to encourage people to continue in their perverted eſtate." Another I have forgot; it is in the Minutes of the Council; and, I think, Mr Speaker was then at the Council. I went to *Somerſet-Houſe* lately; and though I cannot ſwear to the very room where the Queen was, ſo as to ſatisfy a Judge, yet I ſatisfy myſelf*. You may ſee a perfect account I gave of all this to the Lords of the Council, and thoſe papers I am willing to live and die by. *He withdrew.*

Debate.

Colonel *Titus.*] Improbable things from a credible man I cannot believe, and probable things from an in-

* When he was bid deſcribe the room, it proved to be one of the public rooms of that Court, which are ſo great, that the Queen, who was a woman of a low voice, could not be heard over it, unleſs ſhe had ſtrained for it. *Burnet.*

The Lords *Oſſory* and *Bridgewater* were directed to take him to *Somerſet-Houſe*, that he might authenticate his evidence in ſome degree, by finding out the room: But when he came there, none of the rooms, it ſeems, tallied with his remembrance; and he continued to talk of "a light pair of ſtairs, rooms large and high, and great folding doors," that could not be found. *Ralph.*

credible

credible man I cannot believe—When I conſider what the Papiſts teach and practiſe—I do not believe a ſtory, becauſe Mr *Oates* and Mr *Bedlow* ſay it is true; but becauſe it is probable to be true, therefore I believe it. There have been Queens that have been impeached. The firſt ſtep you can make to ſecure the King's Perſon, is to ſecure all the Papiſts at *Whitehall*; not only men, but women, ſhould be removed. Unleſs you ſeparate them from the King, the Plot will go on ſtill. The firſt thing we do ſhould be to addreſs the King, "that all Papiſts at *Whitehall* may be removed from thence."

Mr *William Harbord.*] I ſecond the Motion, and will graft ſomething on it. Though they are virtuous people, of themſelves, yet their ghoſtly father is near them, and prevails upon them. The late Queen was by her Confeſſor made to go barefoot to *Tyburn* for her penance; and ſeeing that one fatal ſtroke upon the King may be our deſtruction, and that Proclamations are ineffectual to ſend the Papiſts out of town, I move to have a Law made, and the Bill brought in to-morrow morning, "to make it penal for Papiſts to come to town, and felony to approach the King's Perſon."

Colonel *Birch.*] You have been told, "that you cannot have the Minutes of Mr *Oates*'s Information from the Council." This is reaſonable to aſk, if Impeachment was to be. But it is not a plaiſter for the ſore yet. I have not yet ſeen one ſtep to prevent a fatal ſtroke upon the King, but by the two Houſes. Pardon me, if I ſay, they have rather encouraged it, that have been near the King. I do not think that we are ready yet for impeaching the Queen; but when we do it, in plain ſpeaking, I would addreſs the King, "that the Queen may withdraw to ſome of his Majeſty's Houſes." This is as gentle a ſtep as we can make. If evil ſhould come of it, and you not addreſs the King, &c. you can never wipe the aſperſion from you. I would have a Law made, "that, if the King ſhould fall by the hands of violence, no man ſhould enjoy an Eſtate if he were a Papiſt, but the next a-kin that was a Proteſtant."

Mr

Mr Sollicitor *Winnington.*] If there be ſeveral propoſitions on foot, no man can ſpeak to them. It is, by Law, Treaſon to kill the Queen, ſhe being in a high ſtation; though Queens have been tryed for Treaſon, and found guilty of it. If you addreſs the King "for removal of all Papiſts from the Court," it will not be interpreted "the Queen;" but if the matter before you be ſufficient againſt her, then you may name her to be removed. It is time now to be plain. Since the tryal of *Coleman* *, my apprehenſions increaſe daily. I obſerve from Mr *Oates*, that, in this Information, he comes not up poſitively to the Queen. Mr *Bedlow* does. *Oates* ſays, "he heard a woman's voice, that ſaid, "ſhe would be revenged of the violation of her bed:" And when he was introduced into the room where they were in conſultation, he ſaw no woman there but the Queen. I would be glad to have *Oates*'s evidence written down, as well as *Bedlow*'s. "That ſhe would be revenged of the violation of her bed" poſſibly may not extend to murdering the King. Therefore the Queſtion will be, this concerning the King ſo nearly, "Whether the King ſhall be addreſſed unto that the Queen may retire to *Somerſet-Houſe*," where ſhe goes ſometimes for a week together for her devotion, and it will be no puniſhment to her. This Information is poſſible to be true: And if we neglect it, it may put people upon extremity. If you intend to proceed criminally againſt the Queen, there muſt be great conſideration had upon it, and we muſt conſult our Books. But if you are of opinion, and have good ground, to adviſe the King to remove the Queen from Court, do as you pleaſe; but Mr *Oates* comes not up to the charge ſo directly as Mr *Bedlow*. But if the Houſe thinks, that Mr *Oates* comes up to Mr *Bedlow* in his Evidence, it is the duty of the Houſe to addreſs the King, "That, for the ſafety of his Perſon, the Queen may be

* *Coleman* had been tryed the day before (*Nov.* 27.) and convicted, on the evidence of *Oates*, *Bedlow*, and his own Letters. He was executed *Dec.* 3, and died without any confeſſion.

removed

removed to *Somerſet-Houſe*, and all other Papiſts put from the Court, in this time of imminent danger."

Sir *John Trevor*.] The Law of *England* makes no diſtinction between the Queen and the meaneſt perſon, in point of Treaſon, &c. I am loth to ſay what is in my heart. The Queen is neareſt to the King's Perſon at Court. There is but a wall between them. Therefore I would ſatisfy the loyal ſubjects of *England*, and paſs a Vote in plain *Engliſh*, "to make an Addreſs to the King, that the Queen and her family, together with all reputed or ſuſpected Papiſts, may be removed from *Whitehall*." [*Which was voted.*]

The Commons deſired a Conference with the Lords, at which they delivered the following Addreſs, and deſired the concurrence of the Lords:

"We your Majeſty's moſt loyal and dutiful ſubjects the ***** and Commons in Parliament aſſembled, having received informations, by ſeveral witneſſes, of a moſt deſperate and traiterous [deſign and] conſpiracy againſt the life of your [moſt] ſacred Majeſty; wherein, to our great aſtoniſhment, the Queen is particularly charged and accuſed; in diſcharge of our Allegiance, and [out of our] affection and care for the preſervation of your Majeſty's [ſacred] Perſon, and conſequently of the whole Kingdom, do moſt humbly beſeech your Majeſty, that the Queen, and all her family, and all Papiſts, and [reputed or] ſuſpected Papiſts, be forthwith removed from your Majeſty's Court at *Whitehall*.

[*Reſolved*, That an humble Addreſs be preſented to his Majeſty, to deſire his Majeſty, that all Papiſts, and ſuſpected Papiſts, within *England*, *Wales*, and town of *Berwick* upon *Tweed*, may be apprehended and ſecured.]

Friday, November 29.

[Mr Secretary *Coventry* acquainted the Houſe, That his Majeſty had been attended with the Addreſs concerning Mr *Oates*; and that his Majeſty would take time to conſider, and return an Anſwer.]

Saturday, November 30.

The King commanded the Houſe to attend him in the Houſe of Lords, where [after paſſing the Bill for diſabling Papiſts from ſitting in either Houſe of Parliament] he thus ſpoke:

"That, as to the Bill for raiſing the Militia, he did not paſs it,

it, becauſe it put the Militia out of his power for a time. For though it were but for half an hour, it was the ſame thing; for the right of the Militia being in the Crown, he would not conſent to any Act that might put it out, though but for half an hour. But that, if you would enable him with money, he would raiſe ſuch a part of the Militia, as ſhould ſecure the peace of the Nation, and his own Perſon. As to the other Bill, it was a Bill of great importance, and might hereafter be of ill conſequence; but nevertheleſs, for allaying the preſent apprehenſions and jealouſies, and ſecuring the People againſt their fears, he was content to paſs it into a Law. And now, having done ſo much for your ſatisfaction, at your deſire; he did expect that you ſhould take into conſideration what he had formerly communicated to you in this Seſſion, and anſwer his deſires *."

Debate.

Sir *William Coventry*.] I am not ſuperſtitious, but the rejecting this Bill by his Majeſty looks ſtrange—That we ſhould do ſo little, in this dangerous conjuncture, towards our ſecurity, and that little we do ſhould prove abortive—That ſuch a fatality ſhould be upon us, that, in this Bill for raiſing the Militia, there ſhould be ſomething redundant, or deficient, to cauſe the King to reject it—That we ſhould be ſo circumſpect in our Addreſs, and the Lords to make no objection againſt it; this could be no objection from the Lords of the Council—We were ſo circumſpect, that, if the raiſing the Militia ſhould draw any charge upon the King, we would ſupply that with this Bill. And yet theſe Lords of the Council, preſent in the Houſe, who were ſo circumſpect in preparing the Bill, not to remind us of the defects of the Bill, till the King told us why he would not paſs it! This looks fatal. If there be an error in the Bill, let us look it over, and ſee where we have erred—And let a copy of it be read, to ſee where we have been defective, and to mend it.

Sir *Thomas Littleton*.] I would have that Bill we ſent to the Lords, read, to ſee what defects we may find in it, and what may remedy it now.

* This Speech is not inſerted in the Journal. It is only ſaid, "That Mr Speaker declared the effect of it to the Houſe."

(*Lord*

(*Lord* Ruſſel *ſaid privately to the Compiler*, "That his Motion was in favour of the Duke, to take the blame from him of the King's rejecting the Bill.")

Sir *John Ernly.*] I doubt you may not do any thing upon this Act, in the ſame Seſſion of Parliament. But yet you may have a Bill that may have ſomewhat of the Militia to ſecure us.

Mr *Bennet.*] When there are ſo many of the King's Council, both here and in the Lords Houſe, and not to remind us ſooner of it!—Make what Bill you will, I am afraid thoſe hands do all ſtill—There was an Act made for diſbanding the Army, but the Army was kept up; and, it ſeems, the Militia "muſt not be out of the King's hand"—I think our danger is at home; it is about *Whitehall*, I mean. And till you clear all here, all the reſt will be to no purpoſe.

Mr *Swynfin.*] This is a new caſe. Both Houſes thought nothing amiſs in the Bill. Pray let ſome Counſel withdraw to view it.

The Militia Bill, rejected by the King, was read by the Speaker.

Sir *William Coventry.*] To acquieſce in the King's rejection of Bills, is our duty; but for the preſent conſideration, I would not infringe method of Parliament, but eſtabliſh the Militia in ſuch a way as may defend us.

Mr *Finch.*] I am ſorry, that, in the danger we are in, our friends have not helped us. The time will be long to-day in the Members taking the Teſt*, but I would do ſomething. It may be that another Bill may be brought in, with ſome alteration. If it be a Bill of the ſame nature, it muſt be done to-day, or not at all.

Mr *Waller.*] In *3 Charles*, the Kingdom was ſo provoked by billetting of ſoldiers, and conduct-money, that it occaſioned the Petition of Right; to which we had an Anſwer from the King, and we liked it not; but went to the King a ſecond time, and had an Anſwer, and liked it not. We went to the King a third time, and

* In purſuance of the Bill juſt paſſed.

had

had Anſwer, "*Soit droit fait comme il eſt deſiré.*" Some difference there is betwixt this and that. We had not then for Anſwer, "*Le Roi s'aviſera*;" that was a thing of Right; but conſider whether this is of Grace? I obſerve, that, when the Speaker made report of the King's Speech, he ſaid, "This Bill was rejected. *Le Roi s'aviſera.*" But the King added more; he gave you a reaſon why he would not paſs it. Pray put us in mind of that reaſon why the King rejected it.

Sir *Robert Sawyer.*] I am ſorry the Bill is rejected, and the more, becauſe it paſſed both Houſes ſo unanimouſly. I think there can be no exception taken to it, unleſs to keeping the men together ſo many days. I deſire that the King's Council, that are Members, would acquaint you, what the ſtop was in paſſing this Act. Surely, in this imminent danger, there is ſome great matter in it. For keeping the Militia together fourteen days is already in the power of the Deputy-Lieutenants. And why not now, in ſuch a time, in ſuch imminent danger? I cannot conceive why this Bill takes away the King's power in diſmiſſing them, more than in the former fourteen days. It was not the deſign, nor intention of the Houſe, but that the country ſhould bear the charge. Were the King put upon it, it were another caſe. The people will ſay, "What! is a Law denied us for our ſafety?" I fear the Militia will have diſcouragement, and ſo thoſe unlawful aſſemblies will be encouraged, and the true Proteſtant Religion diſcouraged. They will ſay, "We were armed, and you had no Law to keep us together." I would therefore addreſs the King, "That a third part of the Militia may be ready, and thoſe that the King ſhall for ſuch a time employ." A private Bill of a worthy Member was brought in, the ſame Seſſion, for altering a few words only of a Bill, &c. Something certainly muſt be done, or we are certainly ruined.

Sir *Thomas Meres.*] I perceive there is a wiſdom ſomewhere more than in the Lords and Commons, that this Bill is denied us. There are fineſſes, that we underſtand not. It is plain, that what is in the Bill the King does, he enacts.

Neither,

Neither, it ſeems, can be done by a new Law, or without a new Law. Neither by Addreſſes nor Law. I acknowlege it is the King's Act, &c. and whoever adviſed the King to this Act, at this time, is neither a friend to the King nor the nation. The King's Act in Parliament is more eminent, and his own, than any thing elſe he does. I will not ſpeak to two things at once, but to the firſt point. I am of opinion, that we are in ſome ſtraits, that we cannot have that ſame Law brought in, the ſame Seſſion, after it has been rejected. But that of Hearth-Money was thought a neceſſary Law, but there was a great ſlip in it (two or three, I think.) It was thought neceſſary that ſome of it ſhould paſs. And another Bill (though the former was rejected) was brought in the ſame Seſſion. I remember that Precedent only. I ſhow you this, becauſe this very Bill cannot come in, this Seſſion, (ſeeing this is to be totally ſlighted, and another confirmed) that a Law may be made, to make the Militia uſeful, though not this way. I have nothing but ſafety and ſincerity in my thoughts.

Mr Secretary *Coventry*.] The Bill went on univerſally here, and, in my own thoughts, I went along with it, and I had no exception to it. If I had known before the cauſe of exception the King would have taken at it, I ſhould have been a villain not to have told you. The King has told you the reaſon of his rejecting the Bill, "becauſe he will not have the Militia half an hour out of his hand;" he thinks, "that, by this Bill, 60,000 men are to be in arms, and are not in his power to make them lay down their arms, if he pleaſes." Now if you command the country to be in arms fourteen days more, that, in the whole Bill, makes up forty two.

The Debate broke off.

The Members, according to the Act juſt paſſed, were ſworn at the table, &c. this day and *Sunday*.

Monday, December 2.

The former Debate reſumed.

Sir *Robert Howard*.] I find no cauſe for the opinion, that this Bill was againſt the King's Prerogative. In one

one Bill of the Militia it ſays, "The Militia ſhall be raiſed and muſtered for ſo many days;" which appeals to the former Act of the Militia; "So many days the muſter ſhall be, and no longer." Now whether is the King's Prerogative more confined in ſaying, "Thus long, and no longer," or, "Thus ſhort, and no ſhorter" a time? Now whether the Prerogative is more confined which ſays, "I cannot make it leſs," or, "I cannot make it more," &c. I leave you to judge. If you ſit down, and ſay nothing to this, you tacitly acquieſce, that, by this Bill, you have invaded the King's Prerogative. Did not the King ſend you a Meſſage, by the Secretary, about *Bedlow*'s Pardon, &c. "that he would think of it; *Le Roi s'aviſera?*" If you have not done amiſs, pray aſſert what you have done; if you have, then refer it to ſome Gentlemen to enquire what you have done by the former Bill.

Sir *Richard Temple.*] If "*Le Roi s'aviſera*" be not a negative to a Bill, I know not what is a negative. You have tryed this, both by Bill and Addreſs, and neither has done. The Lords anſwered you, it was better to be done by a Bill. I hear ſince, that the Lords have made an Addreſs to the King to improve it for the preſent, "where the fourteen days have not been up, that the King pleaſe to call them together." We were unfortunate in the Bill, not to apprehend the unhappy occaſion of the King's rejecting it. We could not find it when we reviewed the Bill. I will not diſpute the King's Prerogative in this caſe. The matter is tender, and it is reaſon; but the queſtion is, what is to be done. It is taken for granted, that this can be done only by Bill; and the Houſe will not addreſs the King againſt Law, for any thing. If the King had given his negative to the Bill, without reaſons—But the King has differenced it from all other denials of a Bill. It is not without inſtance, that Bills have been brought in, the ſame Seſſion, when the manner, and not the matter, has been excepted againſt. And there may now be ſuch a Bill brought in, and I have precedents for it.

Mr *Sacheverell.*] I cannot agree that any precedent has been, ſince 2 *Hen.* V. that ever a new Bill was brought in of the ſame matter rejected the ſame Seſſion of Parliament. That is plain, in the Act made at the Parliament held at *Leiceſter*, where they declare "That it is the undoubted right of the King to give his Aſſent or Negative to Bills." Now I am up, I will tell you my thoughts clear another way; that there are Gentlemen, above this Houſe, near the King. If this Bill has intrenched upon the Prerogative of the Miniſters, it is more than I know. You made a Law to keep Papiſts out of office; and yet they were diſpenſed with. It is in vain to offer any Bills, unleſs the King will take the advice of Parliament. *Edw.* I. It was no invaſion, in his time, of the King's Prerogative, to ſay "his Miniſters were *nocumenta reipublicæ Angliæ.*" If you lay it not before the King, that he is adviſed by Miniſters againſt his own intereſt and yours,—till you do that, all you do is in vain. Let us once know, whether the King will once more hearken to you, or his Miniſters; and that, whilſt he hearkens to theſe men, and not to his Parliament, we muſt ſit down and bewail our misfortunes.

Mr *Williams.*] The Prerogative is no more incroached upon in this Bill, than in thoſe Acts of the Militia already made. Did not the Act the King paſſed on *Saturday* impoſe upon the Prerogative more than this? Cannot the King call what Lords he pleaſes into the Houſe of Peers? And yet he paſſed that Act, to exclude his own power, that they cannot ſit without the Oaths and Teſt. I muſt ſubmit to the King in it; but from the Councils your Laws are violated, and all from them. This rejected Bill was ſo much for the ſecurity of the King—And for any Miniſter to adviſe the King not to paſs it!—His head is too little to be a ſacrifice for the thing. This Bill was for the ſafety of the Kingdom; and to tell us of Prerogative, when the Kingdom is in danger! The Counſel that ſtopped this Bill, will ſtop all

others.

others. And if you do not examine who gave this Counſel, you do nothing.

Sir *Thomas Meres.*] This being our condition, as has been ſaid, I would ſtate our condition to the King, in which we ſtand. Neither the King's Council, nor Privy Council, do conceive the thing as we do. I ſecond, therefore, the Motion, "That the Houſe will repreſent to the King the dangerous condition the Nation is in."

Sir *William Hickman.*] Either what is propoſed from this Houſe, for remedy of our dangers, comes to nothing, or the execution of it is ſo ſlow that it comes to nothing. I have not heard of any Directions or Commiſſions to the Lord-Lieutenants to give the Oaths yet. When the Army, in time of Rebellion, went to prayer, then there was ſome damnable thing going forward. I hear that, all over *Chriſtendom*, the *Jeſuits* have a faſt at this time, this very day. I move as before.

Mr *Bennet.*] There are ſome, that are ſtill inſinuating into the King, that he is ſecurer by thoſe about him than the Militia, than *Engliſh* Freeholders. Popery can never come in, but by Proteſtant hands, ſuch as go to church; as *Iriſhmen*, and tranſplanted kinſmen to Marſhals of *France*. Theſe are your men to ſecure the King! Some of them have been rebels in *Ireland*. They ſay, "That the Militia are boys with feathers in their caps; and they are for a Commonwealth. They muſt have ſuch as have been abroad in *France*, or at the ſiege of *Maeſtricht*." But it will never be well, till the Militia, Men of Eſtates, guard the King's Perſon, and till the King believes himſelf ſafer thus. I ſpeak not of Secretaries ſigning Commiſſions to Papiſts, with Diſpenſations from the Oaths and Teſts *; they hold their Places by thoſe things; yet ſtill they are good Proteſtants! Till we can ſo lay the caſe before the King, and till he believes the Militia to be his beſt guard, and truſts himſelf in thoſe hands; till the King believes us, we ſhall do no good: And till we remove Wife, Friend, Brother, and Siſter—till then, you'll never do good.

* See p. 216.

Lord *Cavendiſh.*] I deſire, "That an Addreſs may be made to the King, to repreſent the Dangers of the Nation." And then conſider, whether you will refer it to a private Committee, or a Committee of the whole Houſe.

Sir *Henry Capel.*] I cannot differ from thoſe Gentlemen for the Queſtion, "to repreſent the preſent Danger of the Nation to the King." But we have made ſo many Addreſſes, and have had ſuch Anſwers, that we have no encouragement to proceed any farther. It is a notable obſervation, and I deſire to enlarge upon it, that in the diſbanding the Army, the Parliament and the King agreed it by a Law, and yet they are kept up by ſome other perſons. This is open to every man's eyes. Till this Army be diſbanded, we can have no farther hopes. Therefore let us go ſpeedily on for diſbanding the Army, and I hope we ſhall have the concurrence of the King in it.

Sir *John Ernly.*] I agree "That the Freeholders of *England* are the ſafeſt Guard for the Nation." And I am ſorry we have loſt the hopes of the Bill for raiſing them, in this time of danger. But I conceive there was no other hindrance to it, than what the King told you. There was a time when the *Scotch* Army was to be diſbanded, and the Parliament borrowed money of the City to do it, and got the Act of perpetuity of their ſitting, for their ſecurity. If that be left out of the Bill, that the King objected againſt, I believe yet the King will paſs it. I ſay this only "for the Repreſentation of the State of the Nation," moved for. I know not how he will be ſenſible of it farther. He knows it all already. If you go on with the Militia, &c. I doubt not but the King will paſs it. As for the Army, the King is as forward to have it diſbanded as you are. It is ſaid, "there are ſeveral Papiſts in it," and it may be ſo; but ſeveral ways have been uſed to purge the Army. Moſt of the Officers are good Freeholders; and no man can think them fit to go into *Flanders*. If that Army had not been, no part of *Flanders* had been left. They did

good

good ſervice there. And now the ratification of the Peace is come, there is no farther uſe of them. And I concur to their diſbanding.

Sir John Birkenhead *told a ſtory of the beginning of the Rebellion in* 1641, *and the Militia Ordinance*; *and added*, "That this Repreſentation of the State of the Nation looked like that time."

Mr *Williams*.] Either the Gentleman that moved the Repreſentation of the State of the Nation, or *Birkenhead*, ought to be reprimanded.

Whereupon ſeveral called Birkenhead *to the Bar*.

Sir *Nicholas Carew*.] Now we are repreſenting the State of the Nation, to tell us of 1641!—I believe that *Birkenhead* is a favourer of Popery; and I would have him called to the Bar.

Mr *Bennet*.] Though we are told of 1641, and called Fanatics at *Whitehall*, I never thought to have heard it here. I would call him to the Bar.

Mr Secretary *Coventry*.] We are gone beyond Order. Whenever we queſtion any Member's words, they are to be written down. I think he intended no reflection upon the Houſe.

Sir *Robert Sawyer*.] If there be any blame, it was in the Chair. The Speaker ſhould have done his duty, by interrupting *Birkenhead*.

The Speaker.] If there was any thing amiſs, in what *Birkenhead* ſaid, and I did not reprimand him for it, pray lay it upon my account.

Sir *Thomas Meres*.] He compared our apprehenſion of the preſent danger to *Lunsford* and his footman, and Lord *Digby*'s coach and horſes, in 1641; and our repreſenting the State of the Nation, to the Remonſtrance in 1641, by the Long Parliament. Still to be told thus of 1641 is hot; and it was as high what was ſaid by another Gentleman, "That *Birkenhead* was a favourer of Popery."

Sir *Thomas Clarges*.] I will only ſay, I was one of thoſe happy or unhappy men, engaged in the King's Army, as long as any Army was. We then ſaid, "they

were aſperſions of Popery that were caſt upon the Miniſtry, &c." But now Popery is plainly coming in, more than in 1641; ſince we have a perſon ſo near the Crown, that has been perverted. Theſe things are ſtill from the unhappy Repreſentations betwixt the King and Parliament. If the King be not happy and confident in this Parliament, he will never be in any. Thoſe that make a difference, in this matter, are no friends to the Crown. Thoſe who intercept the King's Graces to his People, will ſtill improve them upon us behind our backs, now they do ſo before our faces. I know not how they come to be thus illuminated. Was not the Act of the Militia the King's Authority, and the Lord-Lieutenants and Deputies approved by the King? It is neceſſary to clear ourſelves, and make ſome Repreſentation of our actions to the King. I know not what teſtimony of your loyalty you can give to the King, more than you have done. Therefore I am for ſuch a Repreſentation to the King, and leave the ſucceſs of it to God.

Sir *Edward Dering*.] The Repreſentation you are about to make, concerning diſbanding the Army, and the Danger of Popery, I am for. "For Popery," that is done already; but "for a Repreſentation of the State of the Nation" is a large field, and a way not much trodden; and it muſt go up to the Lords, and take up time. The preſent Danger is not ſo much from Principles of Government, as from Popery and the Army. It is a wonderful thing that the diſbanding of the Army ſhould not be done, when an Act was ſolemnly paſſed for that purpoſe; but more a wonder now, when the King has invited us to do it, and we deſire it: And yet to be let fall! I would therefore go directly to theſe two things, the Army and Popery. You have two Bills of Popery before you, and you are gone forward in that of diſbanding the Army, which, by former precedents, may be effectual. I move that the method of diſbanding the Army may be reported.

Reſolved, That an humble Addreſs be made to his Majeſty, containing

containing a Repreſentation of the preſent State and Dangers of the Nation.

Mr *Powle.*] Since you have reſolved to go upon the Repreſentation, I would do it with all ſolemnity. It is too great a charge for a private Committee to draw up. I move that we may go into a Committee of the whole Houſe, and I offer one Head of it, viz. "To repreſent the Miſrepreſentation of our Proceedings to the King." Let us look back upon the ſharp Meſſages we have had, &c. contrary to the King's nature, by thoſe Miſrepreſentations. If you take theſe things, and ſwallow them down, you will be contemptible in the eyes of the world. Submitting to theſe things, is a confeſſion, that the King is in the right, and you in the wrong. I move, therefore, that that may be the firſt Head of the Addreſs.

Mr *Bennet.*] I would have it part of the Repreſentation, how the King's Miniſters have dealt with him; and then the King will either take good ones, or we ſhall have power to turn the bad ones out.

Mr *Pepys* of *Cambridge.*] That which is propoſed is no new thing; it is beyond 1641. Undermining the Great Council of Lords and Commons, retaining Forces up contrary to Law, you'll read it againſt *Magna Charta.* The *Spencers*, father and ſon, &c. *Empſon* and *Dudley*, &c.

Colonel *Birch.*] How this comes to paſs, I know not, that men ſhould hint at 1641 and 1642. *Coleman*'s Letters give us clear hints for our apprehenſions. And for the clearneſs of the proceeding, I would go into a Committee of the whole Houſe; and I hope the King will have clearly ſatisfaction from us.

Lord *Cavendiſh.*] If we reflect on what has been done for ſeven years laſt paſt, when the Miniſters could not impoſe upon the Houſe for Money, have not they repreſented to the King, that we were going into 1641, and a Commonwealth? From whence elſe come all theſe Prorogations, but from theſe Counſellors? And as long as it is the intereſt of thoſe about the King to keep things off, it will always be ſo.

Sir *Philip Warwick.*] If you have no perſons to accuſe, the King is in his own choice to reply to you. Therefore conſider how you will proceed. Could I fix the Miſcarriages upon any perſon, I would; but if I cannot diſtinguiſh perſons from things, I know not how to give my Vote.

Mr *Finch.*] When we parted on *Saturday*, the Debate was of great importance. If we go on at this rate, we cannot believe ourſelves. We are unfortunate not to go on in that Debate. If we do believe there is a Plot, and that it is ſtill carrying on, and men ſerve in arms in ſeveral counties, I ſee nothing that can be of greater importance, than ſecuring ourſelves from Popery. And nothing can more prevent the dangers we apprehend, than the eſtabliſhment of the Militia. It ſeems, by the Debate, that the Dangers are not ſo great to-day, as they were on *Saturday*. And now we are arraigning the Government for thoſe Dangers, before we prevent them. The King told you, "he is ſenſible of your care of him and our Danger, &c." and thanked us. Whether the Government be good, or bad, is not now a proper time to determine; our preſent Danger is Popery, and proceed to particular inſtances, how thoſe Dangers are. Value your Religion, without which you cannot be ſafe.

Sir *Thomas Clarges.*] I except againſt what *Finch* ſaid, viz. "That, inſtead of proceeding upon what you were about on *Saturday*, you now go about to arraign the Government."

Mr *Finch.*] No man but takes that for a part of the Government, that the King is pleaſed to make uſe of. The King's Juſtices of the Peace are a part of the Government. I am for naming particular perſons that are faulty. That is for the ſafety of the Government.

[*Reſolved*, That the Miſrepreſentations of the Proceedings of this Houſe to his Majeſty be one Head for the Addreſs.]

Mr *Sacheverell.*] I move for another Head, not to name Miniſters of State; but "to repreſent to the King the Dangers of his adhering to private Counſel, and not taking the Counſel of the Parliament."

Mr

Mr Secretary *Coventry*.] I am willing that all he Counſels I gave the King were told in this Houſe. This next thing offered is as much as to ſay, that the King ſhould lay down his negative Voice, and that he muſt not refuſe any Law offered him by the Parliament.

Mr *Sacheverell*.] I hope hereafter, that thoſe Gentlemen will allow that the King does it by his Council.

Mr Secretary *Coventry*.] Then the King muſt adviſe with no body; and when a Bill has paſſed the two Houſes, the King muſt have no Advice upon it, but paſs it.

Mr *Sacheverell*.] I put it not upon the Privy Council, but upon "private Advice," and things not come to the Council Board. It ſeems, then, there is ſomething ſingle and ſeparate from the Parliament and Council-Board.

Mr *Williams*.] If *Coventry* will aver, that the Advice of the King's rejecting the Bill for the Militia was given by the Privy Council, he ſays ſomething. But Gentlemen put it particularly upon the Advice of particular men, and not the Privy Council; that they have ſwayed the King againſt the Advice of Parliament. I know no ſuch Council, nor Law of *England*. I know none as a Council for foreign Affairs. It is not known in Law. This is a jeſuitical argument, a *non conceſſus*, or an univerſality, out of a particular thing.

In anſwer to Dering, *he farther ſaid*,] That the King's Counſel learned are adviſed in matter of Law. But as to what he ſays of the King's adviſing with the Judges, they are not to give Advice, but when a thing comes immediately before them in Court.

Mr *Powle*.] A Cabinet Council, that takes things out of the hands of the Privy Council, is the complaint. Not many days ſince I aſked, "Whether the matter of not diſbanding the Army, when a Law had paſſed for it, was brought to the Privy Council?" It was anſwered, "No" Surely you are not againſt removing ſuch as adviſed it.

Sir

Sir *Nicholas Carew.*] This helliſh Plot was diſcovered ſix weeks before it was brought to the Privy Council.

Sir *Thomas Clarges.*] The Plot was concealed ſix weeks, &c. and thoſe about the King called him "that raſcal *Oates.*" And will you now deliberate this, "of the Miniſters, &c." to be one Head of the Repreſentation?

Sir *John Knight.*] I believe that *Coleman* had more communication and intereſt with the Miniſters, than the Parliament had. In one of *Coleman*'s Letters, "We cannot truſt *Rouvigny.* If *Courtin* pleaſe you not, we'll ſend you another." *See the Letters in the Journal.*

[The previous Queſtion being carried, 138 to 114,] from theſe Heads, a Committee was ordered to draw up an Addreſs, &c. viz. That a Repreſentation be therein made to his Majeſty, of the dangers that have and may ariſe from private Advices contrary to the Advice of Parliament—And of the danger that may ariſe to the King and Kingdom by the non-obſervance of the late Laws, &c. againſt Popery, &c.

Colonel *Birch.*] I deſire that one Head may be added to the Addreſs, viz. "That this Houſe did not intend to take the Militia out of the King's hand, by the laſt Bill which the King rejected."

Sir *Thomas Littleton.*] That you may not multiply Heads in the Repreſentation, I conceive that will come naturally in the firſt Head.

Mr *Oates* was called in.

The Speaker.] When you was laſt here, you deſired the Houſe to intercede to the King for your Pardon, &c. The Houſe has addreſſed the King accordingly, and the King has been pleaſed to grant you a Pardon from the beginning of the World till the laſt of *November*; and that you ſhall have the liberty of *Whitehall* and the *Park.* But your Guards are to be continued for the ſafety of your perſon *.

* The above was delivered this day, in a Meſſage from the King, by Mr Secretary *Coventry.*

Mr

Mr *Oates.*] The Guards that I have, annoy me. They do not uſe to lie in Gentlemen's chambers. I deſire they ſhould not follow me. I deſire there may be a chamber for the King's Guards to lie in. They annoy me. It is my humble requeſt, that the two Yeomen of the Guard may be taken from me. I cannot be free with my friends, when they are with me. I leave it to the diſcretion of the Houſe. If they muſt follow me, when I go abroad, I deſire there may be a chamber for them apart from me. As for the liberty of the *Park*, I care not for it. I would have the privilege of an *Engliſh-man*, to go into the city. I fear nothing. *(Some Gentlemen whiſpered to the Compiler, as if* Oates *had an intent to run away.)* I deſire that I may have a copy of what I ſhall now deliver, which was that Paper I gave in to the Clerks of the Council. I have no time to write, when two Guards are in my chamber.

The Speaker.] You cannot be ignorant that you have drawn great malice upon yourſelf, by your diſcovery of the Plot; and this Guard is only for your ſafety.

Mr *Oates.*] I never had theſe Guards before *November*. I ſay that it is againſt Law, that I ſhould have Guards upon me. I humbly thank the Houſe and the King, for their care of me, and ſhall reſt ſatisfied in what the Houſe ſhall determine.

Then Mr Oates *read what he informed the Houſe of laſt, with this addition,* "That as he ſtood in the anti-chamber at *Somerſet-Houſe*, when the Queen came out from the Conſultation, ſhe took as much notice of him as uſually ſhe does of thoſe of his rank, and gave him a gracious ſmile."

Tueſday, December 3.

On the Diſbanding Bill *.

Mr *Swynfin.*] Thoſe men that were taken in to fill up the companies, ſince the Act for diſbanding the Army, had neither Order nor Warrant for it, but were prohibited, by the Act, to take in any more. That was to raiſe men againſt Law. It may be, you will have no more accounts for thoſe men. I would leave them, till you ſee the Muſter-maſter's Rolls.

[*Reſolved*, That a Bill be prepared according to the Inſtructions to the Committee.]

* This was on the Report made by Colonel *Birch*, from the Committee appointed to draw up this Bill.

Wedneſday,

Wedneſday, December 4.

Mr Secretary *Coventry* delivered the following Meſſage from his Majeſty:

"*C. R.* His Majeſty, to prevent all miſunderſtandings that may ariſe from his not paſſing the [late] Bill of the Militia, is pleaſed to declare, that he will readily aſſent to any Bill of that kind, which ſhall be tendered to him, for the public ſecurity of the Kingdom by the Militia, ſo as the whole power of calling, continuing, or not continuing [of them] together, during the time limited, be left to his Majeſty, to do therein as he ſhall find it [to be] moſt expedient for the public ſafety."

A Gentleman ſaying, "That it was againſt the Orders of the Houſe to bring in another Bill of the ſame nature with that the King had rejected"—

Mr Secretary *Coventry* replied,] I would not have a ſtanding Order of the Houſe broken, but on extreme neceſſity, to ſave the Nation. If the *French* King invade us, ſurely we muſt not ſtay for an Act of Parliament, and then ſcruple an Order of the Houſe. I am one of thoſe that think we are in great danger; and will you let the ſafety of the Kingdom be gone over, by pretence of breach of an Order? You cannot anſwer it to God and the Kingdom.

Sir *Nicholas Carew.*] This is a matter of great concern. I wiſh the ſame opinion had been in perſons formerly, as now they ſeem to be of, in relation to dangers from *France*. Formerly they were of another opinion. It may be, this is only deſigned to break that ancient Order, of bringing in the ſame thing rejected in the ſame Seſſion. I would well conſider of it.

Colonel *Titus.*] Many things ſeem ſmall at firſt, that are not ſmall in the conſequence. We are now but a ſmall Houſe; and I believe it is not a day or two will make us in more danger than we are already. If the Sheriffs be careful of their duty, they may do much with the *Poſſe Comitatus*. *Cateſby* and *Percy*, in the Powder-Plot, were taken by the Sheriff. If you conſider this great matter in a thin Houſe, a full Houſe will ſcarce give you thanks for your haſte.

Sir

Sir *Gilbert Gerrard.*] I am ſorry you are put upon this after-game. I propoſe this to any man that is a ſoldier, for ſuch a little county as *Durham*, four hundred horſe may cut all their throats. Sir *Francis Ratcliffe*, the Papiſts General, may embody ten thouſand men in *Lancaſhire* and *Northumberland.* I would conſider of it, to be in ſome poſture.

Sir *Thomas Littleton.*] This is no ſlight innovation, to bring in a new Bill, &c. I will conſider it to ſalve objections. The King has his negative Voice. He refuſes, or paſſes, Bills, in groſs. Now the King propoſes you an emendation of your Bill; ſo in time it may creep upon you, that the King may propoſe whole Bills to us, as he does to the Parliament of *Ireland*; and we know not how far this innovation may go. If this be not worth conſidering one whole night, nothing is. I pray conſider it.

Mr *Williams.*] If form will ſtop a Bill from paſſing that is for the ſafety of the King's Perſon and the Government, I hope it will not be ill taken, if we bring not in a new Bill, and break an eſſential Order of the Houſe. I hear of no precedent for two Bills of the ſame thing, in the ſame Seſſion. It may be, hereafter, we ſhall be brought to the method of an *Iriſh* Parliament. By the Stat. of *Carliſle*, the King muſt take the whole of a Bill, or refuſe the whole. The King ſays, "That ſomething in the Bill intrenches upon his Prerogative;" and ſays the King, "Leave out ſuch a part, and I'll paſs the Bill." Do you not truckle, by this, to thoſe Counſels you are going about to repreſent to the King? I ſee it is no incroachment upon Prerogative. We repeat Bills and Addreſſes, and trifle away our time. Look into Precedents. If once you come to break forms of Proceedings, you will come to break Laws themſelves. I am againſt it.

Colonel *Birch.*] The thing moved for is another Bill, &c. and the ground of it is your danger. Look back into former times, and you will find ill things have come in ſo. I have heard the reaſon, why not the ſame Bill in the

the ſame Seſſion; "the King takes all the Bill, or none." Admit this once, and if ſome Council like not part of a Bill, it may be turned back upon you, and the Houſe of Commons muſt make another Bill. Pray lay this aſide.

Mr *Powle.*] The argument, it ſeems, for another Bill, is neceſſity; by reaſon of our danger, &c. we muſt break forms. If there be ſuch a neceſſity, why was it not broken on the other ſide? And let us addreſs the King to paſs the Bill. If you bring in another Bill, you own, and you have acknowledged, that you have invaded the Prerogative. I would rely upon the King's care, and God's providence, for our ſafety. And ſeeing we cannot raiſe theſe "legal" Forces, let us go about diſbanding thoſe that are "illegal."

Sir *George Downing.*] I would not have a new argument to keep the Army on foot for defect of the Militia. It is more than ordinarily neceſſary, that there be a perfect underſtanding betwixt the King and us. I move not for a Bill, but that you would conſider of it. The Lords agreed not with you formerly, about the Bill for diſbanding the Army. It was left upon the Lords table, at the Conference; and the news went to coffee-houſes. You remedied the thing then, by patching up that Bill with another.

Mr *Boſcawen.*] That Bill was not rejected by the King; it was only loſt between both Houſes. And that is no precedent. I am far from voting that we will have no ſuch Bill; but only I would have a Committee to examine the rejected Bill, and Precedents, &c. I propoſe it only to conſideration, to raiſe the month's pay in general on the whole county, or on particular perſons, charged by the Militia Act only. In *Scotland*, there are Lords Committees of Articles, and nothing elſe can be propoſed to Parliament but from them. I have heard that ſome, near the helm of the Government, have much commended that way of Parliament. I would refer this to a Committee.

Sir

Sir *Edward Dering*.] It is a wonderful thing, that, when a great danger threatens us, and that we have lawful force to defend ourſelves, yet we cannot come at it. It ſeems there is no precedent to the contrary (of the ſame Bill brought in again in the ſame Seſſion) but only there is a want of one for it. Though this Bill be rejected, yet, if there be any material alteration in it, it may be offered again. I move you, therefore, that you will go that way for a Bill, or Bills; and to inſpect the Acts of the Militia.

Mr *Sacheverell*.] I think ſtill we have the ſame Counſels, and are put upon the ſame difficulty in this, as in other things. If you bring in another Bill, you muſt own you are in the wrong. Any time theſe ten years, we have been put upon theſe difficulties. They put you in the condition of the meaneſt Court in *Weſtminſter-Hall*; upon a bare Motion, to alter a Bill. Surely you ſhould have had ſome reaſons of precedent offered you. Is this a propoſition fit to be accepted in Parliament? It is a ſkreen to the Counſellors: And now you are making a Repreſentation to the King, they come to wheedle you. But I would ſcorn to be tricked by any Miniſter whatſoever. I would rather let them ſee the ſhame of what they have done, than patch up their defect in another Bill. In 1666 and 1667 there was a large Poll-Bill, and Supply for ſhips; and that year we had the ſhameful diſhonour at *Chatham*. Then followed the Triple League—Arguments, at the ſame time, to break it—Supported by *France*—And they ſay ſtill, "Give the King Money, and he'll raiſe the Militia." Will you now ſupport theſe Counſellors? You ſupport Papiſts in doing it. If they have prevailed with the King to offer you this, let them not prevail with you to do it; and lay this aſide.

Mr *Bennet*.] This looks like the way of proceeding of the Lords of Articles in *Scotland*; and we have a good *Scotch* Lord* near the King. This, offered you,

* Duke of *Lauderdale*.

is

is *Poynings*'s Law *, and we know who heads the *Iriſh* Army.

Sir *John Ernly*.] I know not who gave this Advice to the King; but I am ſure, when ſuch a Bill was paſſed in the Long Parliament, the King could not take the Militia down.

[*Reſolved*, That a Committee be appointed, to inſpect Precedents touching the Methods and Proceedings of Parliament in paſſing of Bills; and to enquire, Whether, according to the Methods of Parliament, a Bill may be brought in, for making the Militia more uſeful; and to report their Opinion to the Houſe.]

Thurſday, December 5.

Sir *John Knight* moved the Impeachment of the five Lords in the *Tower*, now that the Grand Jury had found the Bills of High Treaſon againſt them.

Sir *John Hotham*.] The Grand Jury have done their duty in finding the Bills againſt the Lords; and I hope this Houſe will do ſo too. Things may be baffled; and I hear there is Evidence, that may come home to them, not yet examined. The Committee has not, all this while, been taking Evidence, to ſignify nothing. I cannot doubt, nor will, of the Juſtice of the Lords upon their own Members; but there is a great deal of difference between an ordinary Tryal of a Peer, and upon the Commons Impeachment, who will lay the finger upon the ſore. I move that you will impeach all the Lords, &c. or as many of them as you will think fit.

Sir *Thomas Clarges*.] You have already voted an Impeachment againſt Lord *Arundel*; now the Queſtion is, whether that, or any Court, can take that matter, being before you, into their cognizance, as to that one Lord. A Proceeding againſt any Lord, or Perſon, whom you take upon you to impeach, is very extraordinary. I do not hear of any Indictment yet found againſt the Prieſts. I would have impartial Juſtice done, as to all concerned

* By this Statute (made in 1494, and ſo called from Sir *Edward Poynings*, who was then Lord Deputy of *Ireland*) it was enacted, "That all the Acts paſſed in the *Engliſh* Parliament, concerning the Public, ſhould be obſerved in *Ireland*;" which Statute is ſtill in force.

in

in the Plot; but I would have the Judgment of the Houſe in this Indictment, you having drawn an Impeachment againſt Lord *Arundel*, and being ſtill in the exerciſe of it, whether any Court can take it out of your hands?

Sir *Richard Temple.*] I ſee not how your Vote of Impeachment againſt Lord *Arundel*, &c. can be taken notice of without doors. But if you neglect it here, it muſt not be neglected without doors. The Proſecution without doors has not at all claſhed with your Proceedings.

Sir *William Hickman.*] As to Lord *Arundel*, we are concerned already. And if we have been ſo long too ſlow, let us now ſend up to the Lords, to impeach the reſt of the Lords.

Colonel *Birch.*] You are told by Serjeant *Streete*, "that this Proſecution is in the old channel, by way of Indictment and a Grand Jury." But Impeachment is as old, ſure, as any way of Proſecution. I appeal, whether you were yet ready for any ſuch thing, Evidence not being yet come in. If you impeach the Lords, you do it "of Treaſon, and other High Crimes and Miſdemeanors." And we are not ſo haſty, becauſe we know not yet what our Evidence will come to. Becauſe I ſee preparations in *Weſtminſter-Hall* for the Lords Tryal, I doubt not of the Juſtice of the Lords. But the matter is not yet ready, and I would have their Tryal ſtopped, and the Impeachment drawn, &c.

Mr *Williams.*] The more time you take for the Evidence to come in, the better it is for the King, and the Kingdom, and the Lords too. It is but a little inconvenience to let them be ſomewhat longer in the *Tower*. New diſcovery, and new Evidence, improve daily; ſome grow ſtronger, and ſome weaker; and had not you concerned yourſelves in the Examination of the Plot, it had come to nothing. But if you leave the Proſecution of it to the ordinary courſe of Juſtice, though it be ancient, yet Impeachment is as ancient. The Peace of the Government is a good argument uſed ſometimes: but I

would not accelerate theſe Tryals. I am not ſatisfied that we have full light yet, and full Diſcovery, though there has been a fair time for Diſcovery and Examinations. If the Lords are guilty of the Plot to-day, they will be another day; and if innocent, they will be ſo too.

Serjeant *Maynard.*] The Debate is, whether you will go by Impeachment, or the ordinary way? The Attorney General, in the ordinary way, goes by way of Indictment; but we are not to truſt to that, if we can truſt our own Evidence. The Lords and Commons have agreed, that there is ſuch a Plot. If it had been only to murder the King, then the Proſecution might have gone on in the ordinary courſe of Juſtice; but this Plot is to deſtroy Religion and the Government. I do not know but theſe things, if queſtioned in Parliament, may be made and declared Treaſon. 25 *E.* III. There may be ſuch exorbitant crimes, fit for Parliament to conſider, that no ordinary Judge nor Jury can take notice of; but in Parliament they may. It clearly appears, that there was a deſign to overthrow Law, Religion, and the Government; and that, in Parliament, would be declared Treaſon. Therefore it is better that way, than in the ordinary way of Juſtice. It is not an ordinary Treaſon, and therefore not fit for ordinary Proſecution. Many leſſer things than this have been made Treaſon; as to kill a Judge in his Place, exerciſing his Office, or to counterfeit the King's coin: But this crime muſt have been an univerſal deſtruction to Religion and Government. Miſdemeanors there may be, which, by ordinary way of Tryal, are loſt, and not puniſhed; and you may meet with them in Impeachments. In the ordinary way the Lords are tryed by twelve Peers, and they can have no challenge. This concerns all the Nation, and ſo is more proper for an Impeachment.

Serjeant *Stringer.*] If ever, in any age, there was matter for an Impeachment from the Commons, there is at this time. Elſe we cannot give the world a juſt account of our actions. It is by the Commons of *England* that this

this Plot was diſcovered; and till they took the matter into their hands, little was done. No Lord, nor Commoner, accuſed of the Plot, but was taken by their care; and the reſt had not been taken to this day. The Commons having done this thus far, they now ſhow the world that they perſevere in their Proſecution, for the good of the Nation; and they will ſee the King's Evidence managed to advantage. If this of impeaching the Lords had not been moved, I intended to have moved it. Poſſibly we may have more Evidence than the Attorney General or the King's Counſel. As they manage the Proſecution for the King, ſo the Commons manage it for the King and themſelves too, and are therefore more likely to proſecute with effect. I move as before.

Mr Sollicitor *Winnington.*] The Motion goes not to alter the way of Tryal of the Lords. It muſt be in full Parliament, where the Lords are Judges of Fact, and Judges of Law. The Lords accuſed loſe neither way. But if you go not by way of Impeachment, the King and the People will loſe their right by the 25th *Edw.* III. That Statute, having great regard to the ſafety of men, does declare what ſhall be Treaſon for the future; which is only a Declaration of the Common Law what was Treaſon before that Statute. It does not alter the Common Law, but enumerates many particular caſes; and leaves the Declaration of more Treaſons than are particularly expreſſed in that Statute, to Parliament. The accuſed Lords may ſay, they have reaſon to thank the King for the Indictments, who are all found guilty; but that is but an accuſation. What would the conſequence be, if we proceed not by Impeachment? If we try not the Lords thus, they may ſay, "the King has declared, by Acts of State, that there is a Plot. And ſo have the Lords and Commons by Vote; and ſo have all the Evidence, &c. We are likely to do well, when the Commons have Evidence againſt us, and they have thought fit not to impeach us." Were I of counſel for the Lords, I would adviſe them to ſay ſo. Whether Tryal, or Impeachment, be the elder brother (as *Streete* ſays) I cannot

tell; but I believe, Tryal of a Peer in Parliament is more ancient than by Indictment, &c. I am as tender of blood as any man, but I hope, if the Lords are guilty, there will no defect be ſhown by the Commons of *England*. When the Commons come to impeach, &c. Treaſon may melt into Felony, and Felony into Miſdemeanor. But you have it at large to conſtrue. The other way of Tryal is ſtreightly tied up, in compariſon of the Commons Proceedings; and I would not ſtreighten the King's Proceedings. The Attorney General may ſay, upon the proſecution of a perſon at the Aſſizes, "that the King's Evidence is not ready," and the Court muſt ſtay Tryal till next Aſſizes. It will be a blot upon you and poſterity, if you proceed not with the reſt of the Lords. Having already voted an Impeachment againſt Lord *Arundel*, I hope you will not fail in the proſecution of the reſt, nor flatten in the intereſt of the Proteſtant cauſe.

Serjeant *Maynard*.] There was a noble Lord once impeached here; firſt, the charge was general, and then the particular charge was carried up to the Lords, in order to Tryal.

The Speaker.] The firſt ſtep you make in this matter, is to determine your reſolution to impeach. The next is, the perſons whom you will impeach. Then you are actually to go to the Lords Bar, and accuſe the perſons, and acquaint the Lords, that you will take time to make your charge out; and if the perſons accuſed be at large, to deſire that they may be in cuſtody. But theſe Lords being in cuſtody already, that is out of doors. But you ſend not to other Courts to ſtop proceedings; but all Courts do ſtop, of courſe. The Lords cannot proceed originally to Tryal, &c. unleſs the without-doors matter be certified to them from the Court where the Indictment was found. But if an Impeachment be brought up from hence, all proceedings below ceaſe.

Mr *Powle*.] When a Bill is found againſt a Peer, at Law, the King gives Commiſſion, under the Great Seal, the Parliament ſitting to try, &c. This being ſo, you are

are to addreſs the King to ſtop any ſuch Commiſſion, you intending to impeach the Lords, &c.

The Speaker.] You have already voted an Impeachment againſt Lord *Arundel*. There remain the Lords *Powis*, *Bellaſis*, *Stafford*, and *Petre*, to vote a Charge of Treaſon againſt, and other High Crimes and Miſdemeanors. So that the firſt Queſtion muſt be, "that they be impeached;" and the next, "of Treaſon, and other High Crimes and Miſdemeanors."

Mr Sollicitor *Winnington*.] The next matter is, what is to be done with theſe Lords. In the Tryal of Lord *Pembroke*, the Parliament ſitting, whether the Lord Steward had a Commiſſion under the Great Seal, or whether by delivering a White Staff only, I cannot ſay.

The Speaker.] In matters criminal, the Lord Chancellor keeps his Place. In matters capital, the Lord Steward has the Badge of his Office, by the delivery of a White Staff. When the Tryal is over, he breaks the Staff. You are firſt to ſend up Articles in general, and ſay, "That in due time you will ſend ſpecial Articles."

The Form at large, thus:

"My Lords, The Commons of *England*, in Parliament aſſembled, having received Information of divers traiterous Practices of a great Peer of this Houſe, *Henry* Lord *Arundel* of *Wardour*, have commanded me *(and ſo of the reſt)* to impeach the ſaid *Henry* Lord *Arundel* of *Wardour* of Treaſon, and other High Crimes and Miſdemeanors: And I do here, in their Names, and in the Names of all the Commons of *England*, impeach the ſaid *Henry* Lord *Arundel* of *Wardour* of Treaſon, and other High Crimes and Miſdemeanors.

"They have farther commanded me to acquaint your Lordſhips, that they will, within a convenient time, exhibit to your Lordſhips particular Articles of the Charge againſt him."

Mr *Thynne* carried the Impeachment up againſt Lord *Bellaſis*.

Sir *Scroope Howe* againſt Lord Viſcount *Stafford*.

Mr *Michael Wharton* againſt Lord *Arundel* of *Wardour*.

Sir *Philip Warwick* againſt Lord *Petre*.

And Mr *Maynard*, ſon of Lord *Maynard*, againſt the Earl of *Powis*.

[And a Committee was appointed to prepare and draw up Articles againſt them.]

Friday, December 6.

Sir *Trevor Williams** reports, by his Majeſty's Order, That though the taking off the reſtraint from Mr *Oates* was not punctually obſerved, yet it ſhould be, as to any Perſon of Quality, or Members of the Houſe †, &c. [but that his Majeſty did not think fit that any looſe or idle perſons ſhould be admitted to come to him.]

Sir *Harbottle Grimſtone.*] You have had it under conſideration to preſerve the Peace of the Kingdom, by a Bill for raiſing the Militia. That Bill is laid aſide, though thought neceſſary by both Houſes. As to this buſineſs of the reſtraint of Mr *Oates*, &c. he is uſed rather as a Criminal, than an Informer. But, *Quid faciendum?* Unleſs you intend to have the Evidence of the Plot ſtifled, you muſt do ſomething. It is againſt all reaſon, but that they that come and give Evidence ſhould go where and whither they will, for Evidence to fortify their own. As to this, I pray, "that this man may be removed into the City of *London* (they have a guard of their own Militia;) and that he may have his own liberty; and Counſel to come to him, and whom he pleaſes."

Sir *Edmund Jennings.*] You are told by the Reporter, "That any man may come to *Oates*, of the Houſe, or the Committee of Secrecy, or the Clerks of the Houſe." He is only reſtrained from "idle perſons." It may be, ſome may come to him from the Lords in the *Tower*, to corrupt him. But if it be your deſire that he ſhould go out of *Whitehall*, I believe he may have his liberty granted him.

Sir *Thomas Clarges.*] I am ſorry to hear that this courſe is ſtill taken to ſtifle the Plot. This Diſcovery came firſt from Dr *Tongue*, in a Book he wrote againſt the

* He had been ordered the day before to repair to Mr *Oates*, and know of him, how far his Majeſty's Commands, for taking off the reſtraint upon him, had been obſerved.

† This his Majeſty told the Colonel of the Guard, who, on Sir *Trevor Williams*'s ſhowing him the King's Meſſage to the Houſe, went immediately to his Majeſty, to receive his Commands, having not been made acquainted with his pleaſure therein. *See the Journal.*

Papiſts;

Papiſts; and Mr *Oates* was to have murdered him for it. He not only made *Oates* a Proteſtant, but encouraged *Oates* to go amongſt the *Jeſuits* again. I ſuppoſe Dr *Tongue* is made a Dean, or a Biſhop, ſince, for it. *(Jeeringly.)* But all this ſtifling the Plot has proceeded from ſome remiſſneſs of ours; from our not going about the enquiry of the concealment of this Diſcovery from Dr *Tongue*, from the 12th of *Auguſt* to the 29th; for there is a Miſpriſion of Treaſon with a witneſs. I hope you will enquire into it. You are told, "that Members of Parliament may come to *Oates*, but not idle perſons, &c." It ſeems, then, to be in the judgment of the Captain of the Guard, who are "idle perſons." You will have but few diſcoverers come in, at this rate. When *Oates* came firſt to Dr *Tongue*, it was privately, to be ſatisfied in a caſe of conſcience only. Suppoſe more *Jeſuits* ſhould come to *Oates*, in compunction of conſcience, to diſcover; they are "idle fellows," it ſeems, and muſt not come to him. I therefore ſecond the Motion, "That *Oates* may go into the City, and have no manner of diſcouragement put upon him;" for it reproaches both Religion and Government.

Mr *Powle.*] I think it impoſſible to ſuppreſs the Diſcovery of this Plot, ſuch care and diligence having been uſed in it. *(Jeeringly.)* I would addreſs the King, "that *Oates* may have his full liberty."

Sir *John Ernly.*] You have ſent up to impeach the Lords, and Mr *Oates* is your Evidence. If I was a Papiſt, or one in this Plot, I would put myſelf into his company to cut his throat. When *Oates* impeached the Queen, it was ſo high an act, that his danger was the greater; and ſo he had more need of ſecurity. And that was the reaſon of the reſtraint of company coming to him. It is well moved, that, now he is your Evidence, he may have liberty to ſpeak with whom he pleaſes.

Colonel *Titus.*] Amongſt other faults, *Oates* is accuſed of being an ungrateful man; when he has been well uſed, he complains. His Father, his Counſel, pen, ink, and paper are kept from him, and he has not pocket-

money. If the Houſe does not intercede for him, one of the laſt things I ever do, ſhall be to bring an Information to the Houſe of Commons. If his Father be "an idle perſon," that muſt not come to him, any man that comes to him with information will be "an idle perſon." I would addreſs, &c.

An Addreſs was ordered accordingly, [deſiring that all reſtraint may be taken off from Mr *Oates*, except the guard without his chamber.]

On Col. Birch's *proffering to report from the Committee for diſbanding the Army, which coſts* 50,000l. per *month*—

Mr *Sacheverell.*] I move that there may be no more Report from the Committee for diſbanding the Army, till we have an Anſwer from the King, that the Army ſhall be diſbanded.

Mr *Powle.*] There are two ways of diſbanding the Army; by Money, and no Money. If they have none, they will diſband themſelves. I would give no Money, under any colour whatſoever, till you have aſſurance that the Army will be diſbanded. And I move that we may adjourn.

And the Houſe adjourned abruptly.

Saturday, December 7.

The Bill for the more [eaſy and] ſpeedy Conviction of Popiſh Recuſants, &c. [was read the ſecond time, and committed.]

Several Inſtructions offered to the Committee.

Colonel *Titus.*] I would make it "Felony, after having taken the Oaths and the Teſt, to turn Papiſt."

Mr *Sacheverell.*] I would have it "Felony for a Papiſt convict to ride armed, though commiſſioned by the King; and that any Proteſtant ſubject may have power to ſeize his arms, and, however commiſſioned, that a Proteſtant ſubject may ſtand upon his guard againſt him, for his ſafety."

Sir *Henry Capel.*] "If a Papiſt, after conviction, ſhould ride in arms, that he be out of the protection and ſecurity of the Laws." And in a Bill by itſelf enlarge your Order ſo fully, that the Committee may have power to make the Bill more uſeful to you.

Sir

Sir *Thomas Lee.*] I would have the Inſtructions to the Committee thus: "That, by reaſon that Papiſts have eſcaped the Oaths, &c. and got the King's Commiſſion, they who get any ſuch Commiſſion, for the future, may be out of the King's protection, and that the country may riſe upon them." I would not have it in a Bill by itſelf. I would not have too many ſhips at ſea at a time, eſpecially when ſo preciouſly laden; the hazard may be the greater; therefore I would have it in this Bill. And likewiſe to conſider the condition of the Quakers, who are not Papiſts, and yet will not take the Oaths, &c. and they muſt loſe two thirds of their Eſtates for refuſing; and thoſe, I ſuppoſe, you aim not at.

Sir *Harbottle Grimſtone.*] The King is the fountain of Juſtice, and has power over the Militia: But that Act for the Militia has not given the King more power than he had before. It is but declaratory of what the Law was before. The end of the Militia is to be conſidered; it concerns a great part of the Government, *Pro defenſione Regni et Regis.* They were born and created together; and ſo far, we confeſs, the Militia is in the King's power. *Salus populi ſuprema lex*, is well grounded. If men will take up arms, whether by Commiſſion, or not, they care not for the Law. Therefore I ſecond it, "That (in this Bill, or any other) if a Papiſt recuſant ride armed, the people may be inveſted with power to riſe and diſarm him." God forbid, the people ſhould ever be brought into ſo deſperate a condition, that they may not draw their ſwords to defend themſelves!

Sir *Charles Wheeler.*] I never yet heard before, "that the people might riſe upon any man." Power is in God alone, and thoſe deputed by him. "That the people ſhould riſe"—I know not the meaning of that. I am as much againſt Papiſts being in arms as any man; but that the people ſhould have ſwords in their hands, and muſkets! I know not the meaning of this, "That the people may riſe upon Papiſts that go armed."

Sir *Harbottle Grimſtone.*] I ſtand up now to explain myſelf. When a Papiſt convicted is in arms, by Law

Law I may reſiſt him, as well as any one that would rob or break my houſe. It is as lawful to preſerve the peace againſt public enemies to the Kingdom, as againſt foreign enemies; and they are as dangerous.

Sir *William Coventry.*] Papiſts are enemies, &c. not becauſe they are erroneous in Religion, but becauſe their principles are deſtructive to the Government where I live. Their principles lead them to rebellion. And the ſame reaſon ſhould give occaſion to no man elſe to rebell. But when there is no limitation to this riſing upon a Papiſt, if a Catholic be in Commiſſion, that 40,000 men may riſe upon him—Is there any Law of *England* to juſtify the riſing of a multitude? Take what courſe you will, but when there is matter of crime againſt a man, puniſh him criminally: But that every particular man ſhould have power to make ſuch a diſorder in the Government—you may repent it.

Sir *Robert Sawyer.*] Your Member *(Grimſtone)* intended not that a power ſhould be in the people to riſe, but for what was moved, that ſuch perſons as are convicted of Recuſancy, and are found in arms, ſhall be guilty of Felony. That is legal; and the conſequence will be, that, if any man invade me, he is an actual Felon; and the Law is now, that every man may apprehend a Felon. State it ſo, that it may be dangerous for any Papiſt to take a Commiſſion, or bear arms. Then you prohibit them under the penalty of Felony, and leave it to the Common Law. Any Felon to do any act upon me, juſtifies me to reſiſt him.

Sir *Harbottle Grimſtone.*] We expreſs ourſelves in our own expreſſions, and our meaning is in our own words. They put other words to mine. I ſay, "That when a Papiſt convict is in arms, the people may have power to diſarm him." I am againſt any popular ſedition. I take not raiſing the people to be raiſing the nation; but that the neighbourhood may be in a capacity to ſuppreſs ſuch men.

Mr *Powle.*] This is not to be looked upon as ſuch an exorbitant opinion as to deſtroy the frame of Government.

ment. As the Law is now, any private man, upon juſt ſuſpicion, may arreſt and apprehend a Felon, or a Traytor. If there be a Breach of the Peace in my preſence, I may ſtop thoſe men. It is that, without which no Government can ſubſiſt. Every man has not an officer at his elbow, to arreſt Felons, &c. Every man that ſees him, may oppoſe him, without letting the thing run on till an Officer be fetched. Let not theſe things be run away with. In all times, if the Government be not good, that is it which diſpoſes people to rebellion. In the late times, if there had not been ſome error in the Government, there had not been a 1641; and thoſe perſons that would have had the Government then reformed, were thoſe that fought for the King. I have ſeen a liſt of fourteen Gentlemen in my country, that were in priſon for refuſing the Loan, and of them, twelve were actually engaged for the King in the late War. I will not wander too far from the buſineſs, but would have you commit the Bill.

Mr *Sacheverell.*] Without particular Inſtructions to your Committee, they cannot repeal a Law by a Clauſe. Give us back that Clauſe in the Militia-Act, and that of Corporations, &c. By that Clauſe, "All that oppoſe an Army, if they reſiſt, are perjured, if that Army be commiſſioned by the King." I would have it once ſeen, and *England* know it, that, if there be ſuch men in power and office about the King, that will not ſuffer us to defend ourſelves againſt Papiſts, let them ſhow themſelves. Are not ſome of the choice men in *England* accuſed before you, &c? And ſhall we now ſtand at this? If we be denied defending ourſelves, I'll go into the country, and pray for you.

Mr *Boſcawen.*] This is a difficult Debate, and it is by reaſon of the misfortune of the times. If we have a Popiſh Succeſſor, it is likely that Commiſſions will be given to thoſe of his opinion. Will you make a Law, that thoſe Commiſſions ſhall be void? as the Lawyers ſay, "voidable." And till that is done, will you ſit ſtill, and have your throats cut, and be maſtered by the leſſer part of the

the nation? If Commiſſions be given to Papiſts, ſuppoſe an hundred, and they endeavour to cut throats, muſt I go and deſire the Sheriff to raiſe the *Poſſe Comitatus?* And, it may be, the Sheriff is one of them. If Gentlemen will propoſe any other way than what has been moved, to ſecure us, I would willingly hear it. Gentlemen are in danger as much as any ſort of people in popular commotions. I would have Gentlemen calmly diſcourſe it. If our ſafety may be obtained any reaſonable way, I care not which way.

Some Gentlemen hiſſing at Sir Thomas Meres, *for ſaying*, "That he would not have the reſiſtance of the Commiſſions go farther than the Magiſtrate"—

The Speaker.] If Gentlemen expreſs themſelves in that manner, they have been called to explain it at the Bar.

Sir *Thomas Littleton.*] "That ſuch as go armed, &c. ſhall be eſteemed Felons, but you reſtrain it to the Magiſtrate only to ſeize him by his Warrant."—If you do ſo, the meaning of it is, to make him a leſſer ſort of Felon than he that has ſtolen two ſhillings. A Papiſt in arms, who would deſtroy Religion and the Government, to be a leſſer Felon than a pitiful little Felon! Laws are now making for the ſafety of Religion and the Government in futurity. How can you make a Law juſt to begin and end with a Popiſh Prince? Thoſe who put them in execution may be ruined; as in *H.* IV. and *E.* IV. You muſt have a Law to be in force in all Princes reigns, that the Prince ſhall not wear them out, as has been done. This will be no diminution to the Prerogative of a Proteſtant Prince; but it will be ſome diminution to the power of a Popiſh Prince. I deſire, "that Papiſts convict in arms, &c. may be Felons, and, when ſo declared, that they may be apprehended and purſued as Felons." This is a ſmall matter for us to do. And if this be boggled at, I know not what can be farther done for our ſecurity.

Sir *John Ernly.*] This Debate is the greateſt thing that can be before you. I am of opinion that ſomething ſhould be done to ſecure you, and with the moſt unanimity that can be propoſed. I would not in this have exceptions

ceptions for Quakers, and thoſe of the Church of *England*. But he that refuſes the Oaths, &c. I ſhall vengeancely ſuſpect him. I think you ſhould put all incapacities upon him to hurt you, and make it Felony to take up arms, and I would have nothing to fright people from proſecuting them as the Law directs.

Mr *Sacheverell.*] I would know, whether we may reſiſt thoſe fellows taken into the laſt Army, that have diſpenſations from the Oaths, notwithſtanding the Declaration is to be made in the Militia Act, &c. for they are commiſſioned by the King. I deſire you would read the Act of Aſſociation in the 27th of *Eliz.* And I would ſee the reaſon, why we ſhould not be as tender of the life of the King, as they were of the life of the Queen. And why not as lawful to reſiſt a foreign Army, as to bring in one? I'll aſk no more than what has been formerly granted.

The Act of Aſſociation 27 *Eliz.* was read.

In ſubſtance, as follows: "That upon any invaſion, rebellion, or hurt to the Queen's Perſon, the Queen, under her Great Seal, ſhall conſtitute twenty four at leaſt of the Privy Council, having with them the Judges, &c. By virtue of this Act, they ſhall examine and give ſentence, &c. and all perſons ſo ſentenced ſhall not claim the Crown of *England*, &c. And thereupon that all the Queen's ſubjects by all forcible means ſhall reſiſt, &c. And if any thing ſhall happen againſt the life of the Queen, any one privy to the ſame ſhall not have power to claim the ſucceſſion of the Crown; and all ſubjects, &c. may purſue to death any, who, by ſuch deteſtable means, ſhall attempt the ſame. The Lords of the Council ſhall examine the cauſe of the Queen's death, and, by open Proclamation, ſhall publiſh the ſame, &c. and no man ſhall be impeached, in body or goods, for proſecuting this Act, this Aſſociation. And excluding the perſons title, &c. or purſuing, &c. ſhall be expounded according to the true intent and meaning of this Act."

Mr *Sacheverell.*] You ſee, in this Act, they are called "loyal ſubjects" that aſſociated themſelves, whatſoever they are called to day. All that I aſk, is, the *Non obſtante* to enable the King's Proteſtant ſubjects to preſerve the King's Perſon and the Proteſtant Religion.

Colonel

Colonel *Birch.*] I am one of thoſe that believe all the Bills and remedies named here are of no ſafety to Religion, or the King's Perſon, but by this Aſſociation. What you have done upon the table is rather to irritate and anger the Papiſts, than to any effect. All you have done yet, rather haſtens the King's death. I have heard from the honourable perſons, &c. formerly, that we ſhould bring in ſuch Laws as may ſuppreſs Popery under a Popiſh Prince, &c. It muſt not be tender treading that will continue the Peace of the kingdom. From this day forward, either this Debate will ſettle the Peace of the Crown, or elſe let us go home to-morrow morning. It has been ſaid, " All Commiſſions given to Papiſts ſhall be void" (by *Temple.*) But how ſhall I ſee a Commiſſion out of a Papiſt's pocket? When they are got together in a body, how will you void them? I would have nothing took like popular riſing: But when you are told of the Militia-Oath, and that for Corporations, &c. as the Law is, you muſt ſtand ſtill, and have your throats cut; and muſt not thoſe in lower places do ſo too? Papiſts have Commiſſions now, we ſee. Deal plainly now, and you will ſecure the King's life. It is not ſo new a thing that a Papiſt may be apprehended. *Coleman* ſaid, in one of his Letters, " That if once Papiſts are free, &c. the Law is for us." Even for the King's ſake, the Papiſts ſhould be made in a worſe condition by his death. As the Law is, if Papiſts be in every county commiſſioned, &c. we muſt all ſtand ſtill, and have our throats cut. But it is a hundred to one that they will not have their throats cut, and then you will be ſure to have tumults. Therefore I would have it as Inſtructions for the Bill, " That if any Papiſts convict ſhall aſſemble in arms, they ſhall be deemed Felons, and that any man may apprehend them, and that all Mayors, Bailiffs, and Sheriffs, &c. be required to arreſt them."

Mr Secretary *Coventry.*] All men here have freedom to ſpeak, or to hold their tongue. I confeſs it would be a good Law to make it the Papiſts confuſion to have a Popiſh King. But we have ſo many new things ſtarted, that

that the firſt propoſitions are ſhuffled out. I am contented to make it what crime you will, for a Papiſt to take a Commiſſion. But as for that mentioned in the Militia-Oath, &c. there is no need of repealing it; for when you have made thoſe Commiſſions given by the King no Commiſſions, they are illegal, and you may reſiſt them.

Colonel *Titus.*] Suppoſe the King grants a Commiſſion to a Papiſt (it may be that is done already) and thoſe Commiſſions are fought againſt; by the Laws you have in force it is penal. So that make theſe Commiſſions no Commiſſions, and you are ſafe.

Mr *Sacheverell.*] I deſire, "That, if any foreigner ſhall appear in arms (for there is as much danger of a foreigner as of a Papiſt) he may be in the ſame condition as a Papiſt convict."

Reſolved, That [a Clauſe be brought in, that] if any Papiſt convict ſhall take a Commiſſion, or appear in arms, he ſhall be purſued, apprehended, and proſecuted as a Felon.

Reſolved, That [a Clauſe be brought in, that] all Popiſh Commiſſions ſhall be declared void. And that all foreigners receiving Commiſſions, or appearing in arms, ſhall be in the ſame condition as Popiſh Recuſants convict.

Monday, December 9.

[In a Grand Committee.] On the diſbanding Bill.

Sir *George Hungerford.*] I deſire there may be a Proviſo added to the Bill, "to make it Treaſon to pay the Money granted for diſbanding the Army to any other uſe of the Revenue."

The Speaker.] Will you make Treaſon in a Rider of a Bill, without any other ſolemnity?

Mr Secretary *Coventry.*] I have nothing to ſay againſt the intention of the Proviſo, but I cannot agree to the manner of it, without commitment of it, or farther conſideration.

Mr *Vaughan.*] Judgment of Parliament, in Q. *Mary*'s time, was againſt multiplying Treaſons. Though that was in an ill time, yet we had a good example againſt it.

Sir

Sir *Robert Howard.*] One particular care is taken for the Money, that when, it is depoſited, &c. it ſhall not be diverted. If the place be robbed, muſt it be Treaſon in them that have the charge, &c? This only makes a noiſe, and poſſibly may give the Bill interruption in paſſing.

Sir *Edward Dering.*] No man can err, in this Houſe, that follows the Speaker's Motion, not to paſs a thing upon a ſudden and haſty Motion, matters that concern eſtates, and lives, and corruption of blood, not excepted. The penalties are great in this Proviſo—At a time you call this Treaſon, &c. you call it "his Majeſty's Treaſure," which is improper, the Bill putting the Money into the Chamber of *London.* The Gentleman's intention that brought in the Proviſo is good. I would not have it caſt out, but that the Gentleman may withdraw it.

Sir *Thomas Lee.*] This ſeems to raiſe a fear, that this Bill may have the ſame fate with the Militia Bill. If it ſhould have ſuch a misfortune, I hope another Bill may name the perſons that were the occaſion of it. The danger of placing this Money in the Chamber of *London* is not ſo great as is imagined. The Chamberlain is accountable for miſapplying the King's Treaſure; and it obviates the danger of Privy Seals.

Sir *John Ernly.*] For that part of the Bill which relates to the alteration of payment in the Exchequer to the Chamber of *London*, it is my conſcience that the Army will be diſbanded, and that induced me to the payment of it into the Exchequer, and nothing elſe.

Sir *Thomas Lee.*] I except againſt that Clauſe in the Bill, viz. "From time of Royal Aſſent."

Mr *Hampden.*] Royal Aſſent is determination of the time. It went backward and forward betwixt us and the Lords. In Sir *John Coventry*'s Bill, &c. there is no ſuch time. Royal Aſſent is entered on the Lords Journal on Record, but in the Bill there is no ſuch time ſet down. I never ſaw it offered in any Act.

Sir *Thomas Lee.*] In Sir *John Coventry*'s Act the Debate was upon the perſons tryed; and an expedient was found

found out; the Seſſions were adjourned to another time. I went to my Lord Chief Juſtice *Hale* to adviſe; and his firſt propoſition was, to "make the Lords Journal a Record to that purpoſe." Next, "That it might be by indorſement of the Act." But the Clauſe was left out of the Act, and the Seſſions were adjourned, as an expedient, &c.

Sir *Richard Temple.*] The Act muſt be tryed by the Record. And in conſtruction of Law, every Act commences from the firſt day of Parliament, unleſs ſpecially provided to the contrary. I would not have the Lords Journal a Record of time of the Act taking place, which may be miſentered by the Clerk.

Sir *Thomas Littleton.*] Their Commiſſions are, by the Bill, void two days after Royal Aſſent paſſed. By that conſequence, whoever leads his men to the Guards (if of the new-raiſed) either into the borders of *Scotland* or *Jerſey*, is a Traytor. But that the men may not be in arms againſt Law, and guilty of Treaſon, I would have a day certain mentioned.

The Clauſe in the Bill was not altered.

[Sir *Jonathan Trelawney*, Priſoner in the *Tower*, (*ſee p.* 259.) petitioned the Houſe for leave to go into the country for recovery of his health; which was granted.]

[*December* 10, 11, 12, 13, 14, 16,* 17, and 18, omitted.]

Thurſday, December 19.

Sir *John Ernly*, Chancellor of the Exchequer, acquainted the Houſe, That he was commanded by the King to deliver this Meſſage to them, viz.

"That his Majeſty having received Information, that his late Ambaſſador in *France*, Mr *Montagu* †, a Member of this

* This day the Diſbanding Bill paſſed.

† Son of Lord *Montagu* of *Boughton*, to which Title he ſucceeded (on his Father's death) in 1683: He was afterwards, for his eminent ſervices, created by King *William* Earl, and by Queen *Anne* Duke, of *Montagu*. He had been twice Ambaſſador to the Court of *France*, and in the Houſe of Commons was as zealous in promoting the Bill of Excluſion, as he was in the Houſe of Lords in forwarding the Revolution; ſoon after which he was appointed Maſter of the Great Wardrobe. He died in 1708, and was Father of the late Duke.

Houſe, had held ſeveral private Conferences with the Pope's Nuncio there, has, to the end that he may diſcover the truth of the matter, given order for the ſeizing Mr *Montagu*'s Papers *."

Serjeant *Maynard.*] I wiſh the like proceedings had been in other caſes. *Coleman* had time to ſort his Papers, and this diligence would have prevented it. I would let this matter alone awhile. The charge againſt Mr *Montagu*, of correſponding with the Pope's Nuncio, borders upon Treaſon very near; at leaſt looks that way. (*Quicquid neceſſitas cogit, defendit.*) Correſpondence of this nature ſometimes may be juſtifiable.

Sir *Thomas Lee.*] This is a high charge againſt your Member. I would hear your Member in his place. Becauſe he is a Member of the Houſe, he is not exempt from crimes. I would have *Montagu* heard what he can ſay, in his place.

Mr *Vaughan.*] His charge is "Correſpondence with the Pope's Nuncio." That may have ſeveral interpretations. Poſſibly he may have had it for the good of the nation, and poſſibly to deſtroy the kingdom. You cannot do your Member leſs right, than to hear him. It may be, he will tell you who elſe has done it, if he has not.

Sir *John Ernly.*] I ſaid, "the King was informed that *Montagu* had private Conferences with the Pope's Nuncio."

Mr *Powle.*] No man can defend an Ambaſſador's having Correſpondences, or Conferences, with the Pope's

* The Earl of *Danby* had broke with *Montagu*, but knowing what Letters he had wrote to him, and with what ſecrets he had truſted him, was apprehenſive *Montagu* might accuſe him; ſo he reſolved to prevent him. *Jenkins*, who was then at *Nimeguen*, wrote over (according to a direction ſent him, as was believed) "that he underſtood *Montagu* had been in a ſecret correſpondence, and in dangerous practices, with the Pope's Nuncio at *Paris*." *Montagu*, it ſeems, had made uſe of him, and given him money, which he loved, for ſuch ſecrets as he could draw from him. Upon *Jenkins*'s Letter the King ſent the above Meſſage to the Commons. This was a device of Lord *Danby*'s, to find his own Letters, and deſtroy them; and then to let the proſecution fall. But *Montagu* underſtood the arts of a Court too well to be eaſily catched, and had put a box, in which thoſe Letters were, in ſure hands, out of the way. A great Debate roſe upon this matter in the Houſe of Commons. *Burnet.*

Nuncio.

Nuncio. *Montagu* is a Member of Parliament; and it is an old rule, that, in Treaſon, no private man, nor Member's perſon, can be ſeized, before the accuſation be given in upon oath: If not, any Member may be taken from Parliament. I would know, whether any legal Information has been given againſt your Member. This was a fatal caſe in the laſt King's time, of ſeizing Members and their Papers. I hope never to ſee the like again. If a great Miniſter has a quarrel againſt a Gentleman, and one go and tell the King a ſtory of him to his prejudice, and his Papers thereupon muſt be ſeized, I know not whither that will go. In the firſt place, I would be inſtructed from *Ernly*, who brought the Meſſage from the King, &c. whether there be any legal Information againſt your Member? And, if there be not, then you may conſider what to do.

Mr *Hampden.*] I would have the notice from the King, by the Honourable Perſon, written down, as the very words delivered by him, by the Clerk.

Sir *John Ernly.*] I know not whether I was fully heard; but I ſaid, "The King had commanded me to let you know, that he having received Information from abroad, that Mr *Montagu*, his late Ambaſſador, contrary to his inſtructions, had held private Conferences with the Pope's Nuncio, he had cauſed his Papers to be ſeized, to the end that he may diſcover the matter."

Sir *Thomas Clarges.*] I am glad to hear that the Ambaſſador had inſtructions not to correſpond with the Pope's Nuncio. I am very glad to hear it indeed. *(Jeering.)* Sir *William Godolphin*, the *Spaniſh* Ambaſſador, is accuſed of High Treaſon by Mr *Oates*, and yet we hear nothing of him. *Montagu*'s inſtructions will appear in the Secretary's minutes. I would have *Ernly* anſwer, whether this Information be upon oath?

Sir *John Ernly.*] I have told you what the King has commanded me; but I cannot be free to ſay farther, without leave. I do not ſay "contrary to any inſtructions," but "without any inſtructions," from his Majeſty.

Sir *William Coventry.*] The whole buſineſs will turn upon this hinge. The Devil is as bad as the broth he is boiled in, the proverb is. Some of us, it may be, have ſons at *Rome*, and they have kiſſed the Pope's toe, and may be guilty of Treaſon for that. I would have that explained.

Sir *John Ernly.*] I have told you the Meſſage, as I received it. The firſt time, I ſaid, " without inſtructions, &c. *Montagu* had Conference, &c. I ſay now, " without any inſtructions from his Majeſty."

Colonel *Titus.*] If it be " without inſtructions, &c." we that have been abroad may be in the danger of Sir *Richard Berling*, who went to the Pope for a Cardinal's cap for the Cardinal of *Norfolk*, one of the King's ſubjects. He may be guilty of High Treaſon, and ſo may we all, at this rate, that have been abroad.

Mr *Powle.*] Correſpondence with the Pope's Nuncio, or his Internuncio, as *Coleman* had at *Bruſſels*, is as much Treaſon. I ſhall acquaint you from Mr *Montagu*, that he will deliver all his own Papers himſelf; elſe Papers for his own private defence may be embezzled. He will reſign them to any hand this Houſe ſhall appoint.

Mr *Bennet.*] If his Papers are ſeized, Papers may be put into his Cabinet, as well as taken out, to his great prejudice.

Mr *Powle.*] Five or ſix Gentlemen, from *Whitehall*, have ſeized all the paſſages to Mr *Montagu*'s houſe, and his Lady has ſent him a letter of it.

Colonel *Birch.*] This is a mighty myſtery, and the greateſt buſineſs I have heard here. I ſhould be very loth to make a wrong ſtep in it here. I have always taken it for granted, that no Member's Papers can be ſeized. I know not what haſte they are in, in this matter, nor where it will end. Forty more Members Papers may be ſeized, at this rate, and the Houſe garbled; and then the game is up. You have Information from *Ernly* of the thing, &c. and you may have as good Information as this, againſt another Member. The Kingdom of *France* is in Secretary *Coventry*'s province; and I would

would have Members go to his Office, to ſearch the Minutes for Ambaſſador *Montagu*'s Inſtructions, when he was ſent into *France*.

Sir *Thomas Lee*.] I would, in this matter, make tender ſteps. I ſee there is no harm in making an Addreſs to the King about it, "That he may let the Houſe know whether there is any Information upon oath againſt Mr *Montagu*." If there be ſuch Information as the Law warrants, I would ſit down under it; if not, I would look to our Privileges. I would preſently make application to the King, without delay.

Colonel *Titus*.] I ſecond the Motion "to addreſs the King, to know whether the Information againſt *Montagu* be upon oath; and next, if it be upon oath, whether that Conference was beyond the ſea." If there be no Information upon oath, then it is a Breach of Privilege.

Sir *William Coventry*.] If we addreſs the King, to know whether the Information be upon oath, it will ſo turn the thing upon us, that we ſhall know it. I agree with *Birkenhead*, that it is a great fault in an Ambaſſador, an omiſſion to give the King an account of public tranſactions that have paſſed through his hands. It may be through forgetfulneſs; but unpardonable, if the King calls for it, and the perſon does not give it. I have been abroad myſelf in Popiſh countries, and may have converſed with Nuncios. I have had the King's Pardon, and my ſhare in the laſt Act of Indemnity. An Ambaſſador has nothing for his juſtification, but his Papers; and his neck may go for it, if he has not his Papers to juſtify himſelf. I ſhould be loth to have my Papers ſeized, though but for matter of reputation. I had rather have my ſhirt, than my Papers, taken from me. *Montagu* deſires only ſorting of his Papers, and that he may mark them, and he will deliver them to ſuch as you ſhall approve of, and that he may mark them, and ſet them in order, to make his defence the better. Otherwiſe any Miniſter, employed in foreign Negotiations, is in a deſperate condition.

Mr *Powle.*] I would not do the ſecond thing before the firſt. I would not have his Papers tumbled and toſſed about, before you know whether the Information againſt him be upon oath. The Miniſters heretofore anſwered for ill actions in the Government, but now they put them all upon the King. I purſue the firſt Motion, "to ſend to the King, to know whether the Information be upon oath, &c." And when you have this anſwer, then to conſider whether the Papers ſhall be ſeized. Elſe you give up your rights to fatal conſequence.

Mr *Vaughan.*] If Papers are ſeized at this rate, a great many of your Members Papers may be ſeized, becauſe ſome men are guilty of High Treaſon.

The Speaker.] The thing is of great moment, and the King has told you why he has cauſed the Papers to be ſeized; and *Montagu* has told you, "He has received a letter from his Lady, that his houſe is guarded, &c." but they are not to be ſeized till *Montagu* comes to his houſe to ſort the Papers. You concern not yourſelves in matters of State, but matters of Privilege. Till you know that his charge is not upon oath, you ought to believe that the matter is upon oath. It is a nice thing, and I know the ſtreſs and conſequence of it. It may be, I know the thing and matter of it. And if no-body is more capable to adviſe than myſelf, I would have you expect the iſſue.

Mr *Powle.*] What I moved is, becauſe the thing yet is in poſſibility of recall. It is plain that his Papers are ſent to be ſeized. The Rights and Privileges of Parliament are the greateſt ſtrength and ſecurity of the King and the nation. I think it a very dutiful way to know what the thing is. Therefore you cannot go a better than to ſend to the King, &c. before we riſe.

Mr *Williams.*] If you adjourn, you ſubmit your Privilege to the King's pleaſure. I cannot give my opinion, whether it is a breach of Privilege, or not, till you have the thing entirely before you. I would know what this Information is againſt your Member. I know, by the

Law

Law of *England*, there is no diſtinction of State-Treaſon, Felony, or Breach of the Peace, againſt which there is no Privilege. It is not every Breach of the Peace that a Member may be ſeized upon, &c. where there is no more required than ſecurity, &c.—And he ought to have the Privilege of an *Engliſhman*. He that will be ridden ſhall be ridden. Therefore I would addreſs, &c.

Sir *Robert Howard*.] The Pope's Nuncio is no other than Ambaſſador. It is the ſame thing with Legate *a latere*. Suppoſe you go to the King, and ſay, "What is it you know of *Montagu?*" That is too early, and yet your Member has his houſe ſeized—In this there is difficulty every way. It ſeems, a reference is made by *Montagu* to ſee whether the charge be true in his Papers. Shall your Member forbear, and give up his Papers? That you will not do. Your Member has offered to give up his Papers, and to mark them, that they may be no injury to him. Therefore I would have ſome of your Members accompany *Montagu*, that he may ſort his Papers.

Colonel *Titus*.] If the Information be upon oath, and it be neither Felony, Treaſon, nor Breach of the Peace, your Privilege is violated. With this Meſſage moved for, I would have another, viz. "Of what nature this Conference with the Pope's Nuncio was."

Sir *John Knight*.] Conferences have been held at *Whitehall* with Father *Patrick*, and Father *Howard*, and other Prieſts. I would have that enquired into likewiſe.

Sir *Thomas Meres*.] Whoever has had private Conference with the Pope's Nuncio, now in the *Tower*, I would ſeize all their Papers, one and all—of whom I will tell you to-morrow; ſome of their Papers, upon what I ſay, will be laid aſide. Let it go where it will; let the ſubject-matter againſt *Montagu* be ſeen, if proved true; that this may not be a Precedent upon this Houſe for the future. I would therefore beſeech the King to ſuſpend any farther proceeding upon *Montagu*, till this Houſe be ſatisfied whether the Information be given upon oath; and whether the ſubject of that Conference was Treaſon.

Sir *William Coventry.*] I am againſt the whole thing; either ſending to the King to know what the crimes are, or whether upon oath. I believe there are perſons that put the King upon this (as I believe it done by advice) and I believe it is not Treaſon he is charged with, becauſe they have not ſeized Mr *Montagu*'s Perſon, as well as his Papers, which was the propereſt thing to be done. He may be guilty, he may be innocent; poſſibly the thing will be put farther. But to take away his armour that muſt defend him, a little thruſt will deſtroy him. The very Law gives him his Papers for his defence, to juſtify himſelf by, not only for his Commiſſions but Omiſſions. His Papers to be delivered out of his hands clearly away, is a very dangerous thing. I would be glad to hear ſomething from the Gentleman *(Montagu)* himſelf. It has been propoſed, "that ſome of the Members may go with him to ſort his Papers." If there be any Papers relating to the Pope's Nuncio, they may be copied out, and *Montagu* may keep the originals and the reſt of the Papers.

Sir *John Ernly.*] The Gentleman *(Montagu)* knows ſomething of the nature. In all theſe caſes there are warrants of the ſame nature. You may ſend for the warrant, and you will find theſe Papers are to be ſeized before reaſonable Evidence, and that the Papers be ſo ſcheduled, as that the Gentleman may have no prejudice.

Sir *Thomas Lee.*] The Papers being ſeized by the King's warrant, may be looked upon as in the King's actual poſſeſſion. By the King's Order ſo much appears, that perſons are at *Montagu*'s houſe, &c. This is your tenderneſs to them that have adviſed the King to this, or ſome others, that may hereafter, that you may avoid all occaſion of offence. You are told of a Conference with the Pope's Nuncio, that he has had. Therefore the Papers were ordered to be ſeized, to know the truth of the matter Then it ſeems, thoſe Papers are ſeized to ſee whether thoſe Informations are Treaſon, or no; therefore in this you go the moſt moderate way. The conſequence will be, you will ſee your Member tryed, and ſit ſtill till it be done;

done; and no matter how ſoon you ſee *Montagu* guilty or not guilty. And ſo there will be nothing upon your Books to hurt Parliaments in eternal conſequence. Therefore I would have this Meſſage ſent to the King, to prevent declaring what your Privileges are in this matter.

Mr *Powle.*] You are paſt that conſideration. Now the Queſtion is, whether you will go with this ſecond part—It is not ſo decent to go often to the King. You are not yet ripe to deſire the King to deſiſt proceeding, for you know not what the thing is yet, and that may be quickly done, when you know.

Mr *Harbord* was ſent to Mr *Montagu*'s houſe to inform the Houſe of the Proceedings, &c. who gave this account: "That, by Order of Council, *Montagu*'s Cabinets were ſeized, but were not to be opened till *Montagu* was preſent. And that they were taken away, and ſet in a chamber near the Council-chamber."

Mr *Montagu.*] I believe, that the ſeizing my Cabinets and Papers was to get into their hands ſome Letters of great conſequence, that I have to produce, of the deſigns of a Great Miniſter of State*.

Mr *Harbord.*] This has been intended three or four days, but, I believe, they have miſſed of their aims; and I would not for 40,000*l.* they had thoſe Papers. And, freely, this was my great inducement to ſtir ſo much to make Mr *Montagu* a Member of this Houſe†. In due time you will ſee what thoſe Papers are. They will open your eyes, and though too late to cure the evil, yet they will tell you who to proceed againſt, as the authors of our misfortunes. I deſire that ſome perſons of honour

* See the laſt Note.

† Mr *Montagu* aſpiring to the Office of Secretary of State, took it very ill that the Treaſurer had engaged to bring in Sir *William Temple*. Mr *Montagu* was the Treaſurer's moſt dangerous enemy, becauſe he had private Letters in his hands from that Miniſter; and though he could not divulge them without great injury to the King, this gave him no uneaſineſs, becauſe reſolving to throw himſelf into the party againſt the Court, which was moſt prevalent in the Parliament, he knew he ſhould be protected even againſt the King himſelf. To this end he got himſelf elected Member for *Northampton*, and ſuddenly leaving *Paris* without the King's conſent or knowledge, came to *London*, and took his ſeat in the Houſe. *Rapin.* See p. 186.

and

and worth may be preſent at the opening theſe Cabinets, leſt ſome of theſe Letters ſhould be there. For they are of the greateſt conſequence that ever you ſaw.

Mr *Bennet*.] The ſum the Gentleman ſpeaks of, 40,000*l*. is a great deal of money. But pray let theſe Papers be forth-coming for your uſe. As for the Breach of our Privileges, &c. this thing was thrown in to blind us. I know my ſhare of tranſactions too, and you ſhall in time know of it.

Sir *Gilbert Gerrard*.] This buſineſs is of great conſequence, and I hope may ſave us. I would addreſs the King, "That theſe Cabinets may not be opened, but may be produced here to-morrow, that we may proceed upon them."

Colonel *Titus*.] To ſeize Papers thus is very illegal. Any man's may be ſeized at this rate. I look upon this as one of the wiſeſt actions the Miniſters have done. Were I one of them, right or wrong I would have ſeized *Montagu*'s Papers. I ſecond the Motion, "That the Papers, &c. may be produced here to-morrow." And then I believe you will ſee why thoſe Papers were ſeized at *Montagu*'s.

Sir *Nicholas Carew*.] I would ſit on, and let the Papers in *Montagu*'s hands be brought now, and if they concern any man, under his Majeſty himſelf, I would proſecute the thing now. I know not whether we ſhall be here to-morrow morning, or no. It may be, we ſhall be all clapped up by to-morrow. Let *Montagu* therefore be commanded to bring in his Papers now, before you riſe.

Sir *John Lowther**.] For ought I know, *Montagu* may be ſerved as Sir *Edmundbury Godfrey* was; therefore I would not have him go out of the Houſe for the Papers. He knows by what practices theſe negotiations with

* Created Lord Viſcount *Lonſdale* by King *William*, in 1696, having been very inſtrumental in the Revolution, by ſecuring the city of *Carliſle*, and bringing over the counties of *Cumberland* and *Weſtmorland*. He was alſo in that reign Vice-Chamberlain of the Houſhold, Lord Privy Seal, &c. and died in 1700, aged 45. The laſt Lord *Lonſdale* was his ſecond ſon.

France

France have been done. I am of opinion that we ſhall not ſit here to-morrow. I move therefore " to have the Papers ſent for now."

Sir *Henry Capel.*] I ſecond that Motion. We know what practices have been in the late times, &c. how Papers of Members have been ſeized. The King has power on his ſubjects, but it is according to Law. I wondered at the proceeding of the Sheriff of *Northamptonſhire* at this Gentleman (*Montagu*'s) Election *; but now it is all out; we know the reaſon of it—He may give us much light into tranſactions. *Lowther* has awakened you with the caſe of *Godfrey*, which is of great importance. I know not what may become of us to-morrow; therefore I would have *Montagu*'s Papers brought to-night.

Lord *Cavendiſh.*] I believe, it will appear by thoſe Papers, that the War with *France* was pretended, for the ſake of an Army, and that a great man carried on the intereſt of an Army and Popery; and *Montagu* gives you the convenience of this diſcovery. I move therefore, " That he bring the Papers in as ſoon as can be."

Colonel *Titus.*] I ſuppoſe *Montagu* has thoſe Papers in his cuſtody; elſe neither he nor his friends would have informed you of them. I would therefore have ſome Members go with him to fetch them.

Lord *Ruſſel.*] *Montagu* has imparted ſome of the contents of thoſe Papers to me; and I was required by him not to impart them to any body; but now it is no ſecret. *Montagu* cannot come at the originals, for the preſent, but he has a copy of them.

Mr *Harbord* and ſome others were ordered (Mr *Montagu* having acquainted the Houſe that he had [in his cuſtody] ſome Papers which concern the Peace of the Government) to receive directions from Mr *Montagu* where to find thoſe Papers.

The Houſe ſat till the Gentlemen returned with Mr *Montagu*'s Papers. Then

Mr *Harbord* reported, That they had repaired to the place where Mr *Montagu* directed them, and had brought the Box of

* See p. 186.

Papers

Papers which Mr *Montagu* mentioned; but that the key is carried to *Whitehall*, locked up in the Cabinets; and that they have ſent for a ſmith to break it open.

Mr *Montagu* went up to ſort the Papers.

Mr *Montagu*.] I am ſorry that ſo great a Miniſter has brought this guilt upon himſelf. It was my intention (making reflections upon your apprehenſion of a ſtanding Army) to have acquainted Mr Secretary *Coventry* with the Papers. I will now only tell you, that the King has been as much deluded as the *Dutch* or *Spain*; and you have been deluded too by this great Miniſter. This I ſhould not have done, out of duty and reſpect to the King, but by command of the Houſe.

[The Box being ordered to be opened,] Mr *Montagu* [ſelected and] preſented to the Houſe two Letters*, which were read [by the Speaker,] the one dated [*January* 16, 1677-8; the other,] *March* 25, 1678. The principal matter therein is contained in theſe words: "In caſe the conditions of Peace ſhall be accepted, the King expects to have ſix millions of livres [300,000*l.*] yearly, for three years, from the time that this agreement ſhall be ſigned between his Majeſty and the King of *France*; becauſe it will be two or three years before he can hope to find his Parliament in humour to give him ſupplies, after your having made any Peace with *France*, &c."

Subſcribed "Danby."

"To the Secretary you muſt not mention one ſyllable of the money *."

[At the bottom of this Letter were theſe words: "THIS LETTER IS WRIT BY MY ORDER. C. R."]

Mr *Bennet*.] I wonder the Houſe ſits ſo ſilent when they ſee themſelves ſold for ſix millions of livres to the *French*. Some things come home to Treaſon in conſtruction. I would have the Lawyers tell you, whether this you have heard be not worthy impeaching the Treaſurer of Treaſon. Now we ſee who has played all this game; who has repeated all the ſharp Anſwers to our Addreſſes, and raiſed an Army for no War. You know now who

* See them at large in the Journal.

† Theſe laſt words made very much for Mr Secretary *Coventry*; ſince now it appeared that he was not truſted with theſe ill practices. *Burnet*.

paſſes

paſſes by the Secretaries of State. I would impeach the Treaſurer of High Treaſon.

Mr *Williams.*] Will any Member aver this to be the Treaſurer's Letter?

Mr *Montagu.*] I conceive it to be the Treaſurer's hand. I have had ſeveral Letters from him of the ſame hand.

Mr *Williams.*] If this be his Letter, there cannot be a more conſtructive Treaſon than is contained in it. You have heard of Religion and Property apprehended in danger, in ſeveral ſpeeches. But when your Laws are contemned by a Great Miniſter, and they miſcarry and are laid dead—(*A great cry of the Houſe*, "Name him, name him.") The Letters name the perſon ſufficiently. Nothing ought to be imputed to the King—But this man, unleſs he clears himſelf upon ſome body elſe, muſt take this crime upon him. This project of Peace is what you have própheſied all along. This agrees with *Coleman*'s Letters, this great engine Money. Now when this great perſon is on this point to make Parliaments uſeleſs, it is Treaſon. And the Parliament may declare a Treaſon, without making any. For any Miniſter to deſtroy a confederacy, and to make the King a Penſioner to *France*, I would impeach him of Treaſon.

Mr *Harbord.*] I hope now Gentlemens eyes are open, by the deſign on foot to deſtroy the Government and our Liberties. I believe, if the Houſe will command Mr *Montagu*, he will tell you more now. But I would not preſs it now upon him, becauſe poiſoning and ſtabbing are in uſe. Therefore I would not examine him farther now, but let him reſerve himſelf till the matter comes to Tryal before the Lords. As to the danger of the King's perſon, there is ſomething much more extraordinary. But I will not name him yet—The thing has taken wind—A witneſs has been taken off with 300*l.* and denies his hand. I proteſt, I am afraid that the King will be murdered every night. A Peer, and an intimate of this Earl's, ſaid, "There would be a change in the Government in a year." He has poiſons both liquid and in powders—But I would aſk *Montagu* no more queſtions now,

now, but have an Impeachment drawn up, and I doubt not but this great man will have condign puniſhment, when the matter comes before the Lords.

Sir *Henry Goodrick.*] We now come upon Impeachment of a noble Peer, who deſerves well of the nation, and, I aſſure you, has promoted the Proteſtant Religion, and has honour for the Government. I put *Harbord* upon it, that all the Evidence againſt him may be produced, and make it out who converſes with this Nobleman, that has "the poiſons" he mentions. For the King's ſecurity, I would have the perſons named.

Mr *Bennet.*] I accuſe my Lord Treaſurer of High Treaſon, and I will bring other matters againſt him.

Sir *John Hanmer.*] The King's life is concerned, and I cannot ſit ſtill when I hear "poiſon" ſpoken of. I would find "this poiſoner" out; elſe he betrays the nation and the King.

Mr *Harbord.*] If you pleaſe, I will tell Mr Secretary *Coventry* who it is; but I aſſure you, it is told the King already.

Sir *John Knight.*] This Army was raiſed for a *French* War, and ſo many hundred thouſand pounds given for that purpoſe, and yet we had no War! Money given to diſband the Army, and that not done! The Popiſh Plot diſcovered at that time! And all runs parallel. Take ſuch evil Counſellors from the King, that have done theſe things, and he, and his poſterity, and we all ſhall flouriſh; elſe we ſhall be deſtroyed. I move for Impeachment, &c.

Sir *Thomas Higgins.*] So great a Miniſter of the King's to be impeached!—I deſire to ſee better reaſons than yet have been offered, before he be impeached. One thing is objected againſt him, "His treating of Peace with the King of *France.*" It ſeems, by the Letter, that the conditions were for an honourable Peace, and why ſhould any man be aſhamed of it? For it is a very ordinary thing for Kings to get money from one another, as in *E.* IV's and *H.* VII's time, and there is no ground of this accuſation of Treaſon againſt this Lord. Another thing

thing that concerns the ſafety of the King's Perſon—"A friend of this Lord's that has poiſons." This concerns us all. Let us not go out of the Houſe till this perſon be known.

Sir *John Birkenhead.*] If this be Treaſon, this Letter has been concealed ſince *March*, and that is Miſpriſion of Treaſon. I tremble that the perſon ſhould be concealed. I would have this Lord named.

Mr *Stanhope* *.] I am not ſo much for naming him now, for the Gentleman tells you, "The King has had notice of it, and he has been named to the King."

Lord *Cavendiſh.*] Will you publiſh this, when ſo many friends of my Lord Treaſurer's are preſent that may diſcover it? For the ſake of the King I would not, but I move, that the Secret Committee may enquire into it.

Mr *Powle.*] What my opinion is of this great Lord is no news to you, ſo that what I ſhall ſay is not out of malice or revenge. I am no accuſer of him, but I deſire that what he is accuſed of may be fairly debated, and not diverted by what is moved about "revealing the poiſoning, &c." One crime againſt this Lord is, encroaching upon Royal Power. When one, two, or three Counſellors undertake the management of all affairs, without communicating them to the reſt of the Lords of the Council, it was the Treaſon of the *Spencers*, and the Duke of *Ireland*, in *R.* II's time. And then in the Parliament of thoſe times it was ſo adjudged. Now whether this perſon who forbids *Montagu* to reveal this, and concealing it from the Secretaries, and by conſequence from the Lords of the Council; now whether theſe private advices are not the cauſe of your ruin, that you have been ſo near and are ſtill in danger of, [is the Queſtion.] Now there is a Treaty with a foreign Prince for Peace, whilſt the Parliament was giving Money for an actual War with that Prince; and a Treaty, for which he makes a bargain for ſix millions of livres yearly. Now conſider whether that could be for our advantage, and the *French* King pay ſo dear for it, and concludes, that this Money

* Youngeſt ſon to the firſt Earl of *Cheſterfield.*

was,

was, "That the King might not meet the Parliament in two or three years." Now they muſt deſert this War; and pray conſider what uſe this Money muſt be for. I would have the Long Robe tell you what they think of it. I know what I think of it.

Sir *Edmund Jennings.*] As to the matter in the Lord Treaſurer's Letter, thus I will ſtate the Queſtion: "Whether there be matter in that Letter to ground an Impeachment againſt this Lord." As to the other thing, "of poiſoning," the King's Perſon is ſo nearly concerned, that I would have the perſon known for the King's ſake, and all our own ſakes. If not, then let us adjourn.

Mr *Harbord.*] If I was not well ſatisfied that the King had known of it, I would have found means to acquaint the King. But the deſign of moving this is to divert the Queſtion. The deſign I had, in not naming the perſon, was, that it might be impoſſible for the perſon to avoid being taken off, ſince the King knows it already, and a Member knows the thing, and I have ſeen the things. But the party fell off from his Evidence. The King knows it, and if you will know him too, I am not afraid to name him. He had the poiſon, and tryed it upon dogs with good ſucceſs. The firſt thing I ſaid was, "Does the King know of it?" He told me "he did, and he had been offered a ſum of money to conceal it." There has been 200,000*l.* in thirteen months paid out of the Exchequer, for ſecret ſervice; and vaſt ſums of money diverted out of the courſe of payment in the Exchequer.

Lord *Cavendiſh.*] This can be no ſecret. The Treaſurer having ſo many friends here—*Interrupted by* Goodrick.

Colonel *Titus*] I find it a hard matter, and very dangerous, to accuſe a Treaſurer. The righteous or unrighteous Mammon makes friends. There has been 197,000*l.* iſſued out of the 200,000*l.* we gave, by one perſon that is a Member. This Lord had once an Impeachment againſt him upon an illegal Patent*. Firſt, we could get no Witneſſes, &c. And all we got

* See Vol. III. p. 49, &c.

by

by it, was to vote, "That this Patent was not illegal." Never any thing proſpered in his Miniſtry. There is not a penny of Money in the Exchequer, and I am ſure he is Treaſurer. Now whether this Lord, with the intereſt of *France*, has not carried on his own? When the King of *Spain* was in the circumſtances the King of *France* now is, if *Walſingham* and *Burleigh*, inſtead of ſupporting *H.* IV. of *France*, had ſupported the League, and made the King of *Spain* greater than he was, (who was ten times too great for us,) had not they been good Counſellors for *Philip* II. and ill Counſellors for Queen *Elizabeth?* It was ſaid by *Philip de Comines*, "That all King *Lewis* of *France*'s Miniſters did ride upon one horſe." Now we were told of "a War," and "an actual War with *France*," an Army was raiſed for it, and a ſhameful Peace made up with *France*. And the Lord Treaſurer thinks he deſerves ſix millions of livres for doing it; and ſo no occaſion for the Parliament to meet in three years. The Lord Treaſurer, it ſeems, was of one opinion; the Parliament and the Law of another. His crime is great, and tends to the ſubverſion of the nation, and ſo it is, when the King ſhall have no Parliaments. Some fear the Treaſurer, and ſome love him; I do neither, and would impeach him.

Sir *John Ernly.*] *Titus* tells you, "That nothing has proſpered under the Lord Treaſurer's Miniſtry." He has paid, I am ſure, a great part of the debt of two millions upon the Exchequer. As for his Miniſtry, pray God ſend we have no worſe *French* Counſellors! And if we had had War then, God knows what would have become of us. If this Lord has hatched theſe Counſels, *France* is not for him. But I am the moſt miſtaken, if he has not been oppoſite to *France*. Now for the Letter that ſpeaks of the Money; if it had been ten times as much, I could have wiſhed it with *France*. As for the Peace, it was made by the Confederates, and not the King. The Confederates have, all along, importuned the King not to lay aſide the Army, for all *Flanders* would be loſt. I am as little for an Army as any man; and am for having it

diſbanded, if the King had Money to pay them off. Does not this Letter come by way of recrimination? It is neceſſary to ſee Mr *Montagu*'s Anſwer to this Letter. I would have the Lawyers debate it, before you come to this matter as a charge againſt this Lord, barely given you by recrimination. The King's ſafety is concerned—And I deſire, that the perſon that ſhould have poiſoned him, may be named. You cannot abſolve yourſelves from it.

Mr *Charles Bertie* *.] I affirm that my Lord Treaſurer paid 600,000 *l.* of old arrears out of the Exchequer. And I appeal to the Speaker's Office in the Navy. So in this he has not ſquandered the Treaſury in ſecret ſervice.

Mr *Montagu*.] My Lord Treaſurer has my Anſwer to his Letter. And let him, if he pleaſe, produce a copy of that Letter, and you will find, that if my advice had been followed, the Army had not been raiſed, and a better Peace made. And I aver, that the *French* King offered our King ſome money, and more towns, than when we were in conjunction with *France*. "I find my Lord Treaſurer has ſo much the ſweet of being Treaſurer of *England*, that he would be Treaſurer of *France* too." This the King of *France* ſaid, and ſo would treat no longer. I was for Peace, becauſe I ſaw no intention of our Miniſters for War, and ſo would have had no Army. I brought the conditions ſo far as that the *French* ſhould deliver *Valenciennes* and *Conde* to the *Spaniards*; far better conditions than now they have; but after the Army was raiſed, they were for Peace. If I have done ill in this, impeach me for it.

In the other Letter which was read, ſubſcribed "*Danby*," were the following paſſages:

"Your intelligence concerning Monſ. *Rouvigny* has not been the leaſt of your favours.—For my part, I will contribute to the friendſhip of the two Kings. We depend upon an Adjournment of thirteen days, to ſee if there can be any expedient for the Peace in that time. And the effect of that Adjournment has been, that every body apprehended Peace, &c."

* Youngeſt brother to the Earl of *Lindſey*.

Lord

Lord *Dumblain* *.] *Montagu*, in his diſcourſe in *France*, has given the nation great diſcommendations. I have heard him ſay, " the Houſe of Commons had a company of logger-heads and boobies in it"—For what my father is accuſed of, if proved, I would not ſpare him nor pardon him more than the greateſt raſcal that had done me the moſt injury.

Mr *Peregrine Bertie.*] Put the Queſtion firſt, about " poiſoning the King."

Sir *Henry Capel.*] I have no Article againſt any man, but only from my obſervations of the Government. We have ſat here all ſeaſons of the year to no purpoſe. I have ſomething to ſay, let it fall where it will; and I will ſerve no man here, but my King and my country. We that are of common underſtanding, know not foreign notions, nor myſteries of State at home. If Religion, the Government, and Property be ſafe, we ſit down and enjoy what we have, and thank God for it. If foreign negotiations have been proſperous, let it be ſpoken of. Has the Proteſtant Religion gone forward? I would gladly know, whether the Exchequer is in ſo good order as we have been told. I know what ſums we have given; but if it be not in ſuch order, are we to ſit ſtill? Does not *France* increaſe upon us? We were no ſooner got out of the War with *Holland*, but aſſiſtances of men were ſent into *France* to greaten the *French* King—We can get no Bills of Popery paſſed. Theſe laſt four or five years, we have had nothing but Prorogations and Adjournments of the Parliament, without doing any thing to purpoſe. If we had lived well with this great man, and not made the Vote the laſt Seſſion, " That till the Tax, &c. be expired, and the Proteſtant Religion ſecured, and ill Miniſters, &c. removed, we could give no more Money, &c." But the King has been perſuaded that a Prince muſt depend

* The Lord Treaſurer's ſon, called up to the Houſe of Lords in 1690, by the Title of Lord *Kiveton*. He ſucceeded to the Dukedom of *Leeds* (on his father's death) in 1712, diſtinguiſhed himſelf in the ſea-ſervice, being Vice Admiral of the Red, and died in 1729, aged 71. He was grandfather to the preſent Duke.

upon a party, and he is told that we proceed as in 1641 and 1642. If this Gentleman *(Danby)* would then have relieved us, I ſaid, ſave him, the laſt Seſſion; but I cannot truſt this Gentleman, though I would ſupply the King. Is any thing more clear than the concurrence of the Letters, that have been produced you (by *Montagu)* with *Coleman*'s Papers? This Miniſter has let the *French* King grow upon us, and let our King take Money from him, to lay aſide his people; this has been *Danby*'s advice. If the Gentlemen of the Long Robe will ſay this is Treaſon, I ſay ſo too, and ſhall think this a ground to impeach him.

Mr Sollicitor *Winnington.*] Before I meddle with the Treaſurer's Letters, I will ſpeak to the point of declaratory Treaſon. I have a wife and children, and ſome eſtate, and loyalty to my Prince, and I hope to leave it to my poſterity. In this matter I ſhall deliver my opinion, and I fear no man alive, let it fall where it will. By 25 *E.* III. decla atory Treaſon is only in Parliament, where thoſe things ſhall be declared Treaſon, for the Judges to proceed upon, and no other. I will put you a familiar example—The killing of *John Imperial*, the *Genoa* Ambaſſador, was declared Treaſon. It was Treaſon at Common Law before, but after that Statute they had recourſe to Parliament for the ſame crime, and they declared it ſo. It has been the wiſdom of Parliament to keep the power of declaring Treaſon in themſelves, to bridle great men, who, by friendſhip and authority, may avoid Juſtice. Since I came into this Houſe, which is about three years ſince, I have been preſent at ſeveral Addreſſes, &c. and I would not ſhow unkindneſs, in the poſt I am in, to my ſuperior Officer. If a Member does undertake to prove an Article, &c. though it be but probable, it is a ground for a Grand Jury to find the Bill, (and in Impeachments you are of that nature,) but the judgment is ſtill in the Lords. If any ſubject impeach any man, it is our duty to receive it, as a Grand Jury. But Gentlemen put a hard thing on the Long Robe, in this caſe. The Treaſurer, in his Letters to Mr *Montagu*, ſays, "He muſt not

not communicate it to the Secretary of State. He muſt not know of the ſix millions of livres yearly, &c. that ſo there may be no need of a Parliament." If this be given as a caſe to a Lawyer, and if this be to deſtroy Parliament, and the fundamental Laws of the Kingdom; if there be concomitant Evidence that the thing was done *eâ intentione*; if you have power of declaratory Treaſon, and do not declare this to be Treaſon, you will declare nothing. I have heard *Montagu* ſay he has more Letters to produce. Suppoſe you ſhould vote not to impeach the Treaſurer upon theſe Letters; the common people will ſay, "Have not the Houſe impeached him?" How can any Member look the world in the face? finding that this is in order to Tryal, and in order to Impeachment. The Lord Treaſurer is my ſuperior, but if you paſs by this, you may have more ſuch Letters and ſuch practices. There have been other matters alleged againſt this Lord, as diverting the Money, &c. from the uſual courſe of payment in the Exchequer, &c. This is but a ſmall matter in compariſon of Treaſon; but ſuch as have done theſe things, the Parliament has either broken their backs, or they have ran for it. As for giving Money to Members, to vote in this Houſe, he will have the ſhame of it, and I hope it will be ſeen by the Vote this night, that no man has received any Money. Certainly theſe things are not ſo mean as to be put off. Without probable Evidence, you have no ground of accuſation. As for conviction, that is to be done in another place. And I am for impeaching him.

Mr *Sacheverell.*] I have obſerved the Debate; and I take notice that no fault is found out that it is too forward. No man denies theſe Letters to be the Treaſurer's, and yet Gentlemen ſay, "There is no matter of charge in them againſt him." I have not been a man much for ſhifting hands in the Miniſtry: I ſee all that come after are as bad as thoſe that went before. By way of defence of the Treaſurer, it is ſaid, "That he found much debt upon the Crown, and has paid off a great deal." It is true—But there was 1,250,000 *l.* granted to the King,

&c. before he came in to be Treaſurer, but he received a great ſhare of it. I would not now charge him ſingly upon theſe Letters, but upon the whole purſuance of the thing; he ſhows you, that, as the reſt of the Miniſters have done great kindneſſes to *France*, he will do nothing to break that friendſhip. When we had given a great ſum of Money for a War with *France*, then he takes *Coleman*'s way. And it was a great ſum of Money for *England* to pay. I told you a ſtory of *H.* VII, &c. the laſt Seſſion, &c. Give Money haſtily and no War, and there will be no need of a Parliament.—This is the only difference; Penſions are not now matter of Record. It ſeems by the Treaſurer's Letter, that it is the King's eaſe to have no Parliament. Hereafter let us keep our purſes, and we ſhall have good Miniſters in time. And let us remember we ſhall not then have Miniſters to prorogue us at their pleaſure, at the ſame time that the King was told that War was neceſſary; and that he might have had a better Peace, and an Army was raiſed, to the great charge of the nation. Let Gentlemen give their No to the Impeachment, I will give my Aye to it.

Mr *Vaughan.*] I envy no man's greatneſs nor fortune that leſſens not his Prince's, &c. From the grounds of this Letter of the Treaſurer, on "the 20th of *March*," the King paſſed an Act for a War with *France*, and an Army was raiſed accordingly. This Letter is dated "the 25th of *March*," to ſtipulate Peace with the *French*.—And is this matter of recrimination by *Montagu*, as is ſaid? You give Money for an actual War, and the Treaſurer ſtipulates for a Peace, and the Miniſters make Peace. The Papiſts would have a Diſſolution of the Parliament, and theſe men make it uſeleſs—I know very little difference in it. King *John*'s Miniſters made him a Penſioner to the Pope, and it is as great a crime to make our King Penſioner to the *French* King. I am therefore for impeaching the Treaſurer.

The Queſtion being put, That there is matter ſufficient in theſe Letters, &c. to impeach *Thomas* Earl of *Danby*; the previous Queſtion was put and carried, 179 to 116.

The

The main Queſtion was then carried in the Affirmative, [and a Committee was appointed to prepare and draw up Articles of Impeachment.]

Reſolved, That Mr Speaker ſhall not, at any time, adjourn the Houſe, without a Queſtion firſt put, if it be inſiſted upon. And that this be entered in the Journal, as a ſtanding Order of the Houſe. *See Vol.* V. *p.* 5, *and* 122.

Friday, December 20.

Two Letters were produced by Mr *Charles Bertie* from Mr *Montagu* to the Lord Treaſurer. One was ſigned, but the other not. He ſaid, "he be believed them to his hand and ſeal *."

Mr *Powle.*] You ought to conſider that the caſe of your Member may be every man's caſe. The one is ſubſcribed, and the other not—Under this kind of method, I know not where this may end. To put *Montagu* upon declaring whether they be his hand, or no, is to accuſe himſelf. Till you are clear in that Letter not ſubſcribed, I would not read it.

Sir *Edmund Jennings.*] If you will obſerve your own Precedent, you will read it without a hand to it—You read one ſent out of *Cornwall.*

The ſubſcribed Letter was read, dated "*Paris, Jan.* 11 †.

Mr *Montagu.*] No man doubts but that I have a reſpect to Lord *Ruſſel.* But at the ſame time I wrote this Letter to the Treaſurer, another was written by my wife to Lady *Vaughan* to admoniſh her that *Rouvigny* brought no inconvenience upon her huſband, Lord *Ruſſel.*

Sir *Henry Capel.*] There was no great harm in truſting Lord *Ruſſel* with matters relating to *France.* He may well be truſted in that.

* The Journal ſays, "That the Lord Treaſurer by Letter informed the Speaker, "That he had ſent two Letters incloſed, written by Mr *Montagu*, which he conceived to be for the ſervice of the Houſe." The firſt of theſe Letters gave notice of young *Rouvigny's* journey into *England*, and his practices among the Malecontents; and the laſt, among other things, mentioned old *Rouvigny's* maxim, "That they, the *French*, muſt firſt diminiſh the Lord Treaſurer's credit, before they could do any good in *England.*"

† His Lordſhip himſelf affirms, that the Houſe of Commons would not permit theſe Letters to be read. *See his Memoirs*, Vol. II. p. 234. But the contrary is aſſerted by Sir *John Reresby*, and is confirmed both by theſe Debates and by the Journals of the Houſe.

Sir *Thomas Lee.*] This Letter is much for your ſervice, It ſhows you plainly, that *Montagu* did you ſervice laſt night; for by theſe Letters produced to-day, *Montagu* has done his duty to give the King an account. And this has fallen out fortunately for this noble Lord.

Lord *Ruſſel.*] I defy any man alive to charge me with any dealing with the *French*. My actions here have given ſufficient teſtimony to the contrary.

Sir *William Hickman.*] I cannot agree to entering theſe Letters into the Journal, becauſe Lord *Ruſſel*'s name is uſed in them; unleſs, at the ſame time, you enter his juſtification.

Sir *Robert Howard.*] In ſome Letters we are called, "The ſcum of the Houſe;" and in theſe, "Malecontents."

Mr *Bennet.*] I hope that *Montagu* will give the Treaſurer thanks for producing this Letter; the greateſt kindneſs he could do him!

Sir *Robert Sawyer.*] I would read the Letter; people may ſuſpect elſe that it is worſe than the other. It is objected, "That it is not ſigned." You have read all the Letters of the Plot unſubſcribed; you have allowed that it is your Member's hand.—If you read it not, he may lie under a great ſuſpicion.

Mr *Montagu.*] I deſire the Letter may be read without a Queſtion.

The Letter was read, viz. "*Rouvigny* hopes the King ſo firm for Peace, that the Treaſurer will not lead him into a War with *France*—*Barillon*'s buſineſs is to get the market as low as he can, &c."

Sir *William Coventry.*] I collect by the Letter, that *Montagu* informs the Treaſurer, "That *Rouvigny*'s journey was to gain upon Lord *Ruſſel*, and other Malecontents of the Court." We are all witneſſes for this noble Lord, of his deportment to the *French* intereſt.

Mr *Montagu.*] An Ambaſſador's buſineſs is to ſend intelligence, and I ſent what I could get.

Sir *Thomas Clarges.*] The Ambaſſador was ſo abuſed by that great man, who acted for the *French* at the Ca-

bal,

bal, and ſpoke againſt them at his table, that we find the effects; for at the beginning of *March* the Secret Council was held at Lord *St Albans*'s chamber. There goes a ſtory, that a young fellow, who turns Gipſey, cannot come before their King unleſs he ſpeaks their gibberiſh—He muſt cant, elſe there is no being for him at Court. *Montagu* has ſerved the King well, and I would have the Thanks of the Houſe given him for his great care of the Nation.

Sir *Charles Wheeler.*] It is plain in that Paper, that the Treaſurer did what he could to advance War with *France*. Pray read the words of the Letter.

Mr *Montagu.*] All that Ambaſſadors write for news, is not Goſpel. I give not theſe Letters in, as certificates of the Lord Treaſurer's, for other Letters will ſhow the contrary.

Sir *Richard Temple.*] In the latter part of the Letter, you will find that *Montagu* is very ready to get you Money for a Peace.

Mr *Powle.*] The Treaſurer ſpoke againſt *France* at his table, for his own oſtentation. All I can ſay is, you may obſerve who has been the ſole manager of affairs—Neither Secretaries of State, nor Lords of the Council. And reflect, whether they have been well managed by the Treaſurer, whether a real War with *France* was intended, and all things to your ſatisfaction. Then you may know whether to thank the Treaſurer, or impeach him.

Mr *Montagu.*] I neither deſire nor deſerve the Thanks of the Houſe for what I have done, for all was but my duty.

Colonel *Titus.*] I am very well content that *Montagu*'s Letters ſhould be printed, as well as thoſe of the Treaſurer, and ſee which will ſell beſt. The King of *France* did never deſerve ſuch a character from the Treaſurer as he gives him. The King of *France* did miſapprehend the Treaſurer—But what Evidence could he give greater in this Plot? If the King of *France* be angry, or think himſelf ill uſed by the Treaſurer, he is as ungrateful a man as ever lived.

Mr

Mr *Peregrine Bertie.*] *Titus* told me, this morning, "That what made him ſo againſt the Treaſurer was, becauſe he paid him not his 4000*l.* that the King owed him."

Colonel *Titus.*] It is true what *Bertie* has ſaid. And it is a great inſtance of the Treaſurer's impartiality, that he ſerves all men alike. But I do not ſay he has ſerved all "women" ſo. I was a Bed-chamber-man, and of the Council of the Plantations; and I had 500*l.* *per annum* for each—And on the Treaſurer's ſingle authority he paid me not a farthing.

Sir *Thomas Clarges.*] Here was Money given for a War with *France*, and here is a Peace made, and ſix millions of livres yearly to be given for it, to prevent the meeting of the Parliament. This is plainly.

Lord *Cavendiſh.*] I was not afraid of the Treaſurer for a War, but to raiſe an Army to fright the *French* to give us a greater ſum of Money for a Peace. Theſe Letters, that the Treaſurer has produced, are either to recriminate upon *Montagu*, or to juſtify himſelf. What *Montagu* ſays in his Letter was intelligence only, what *Rouvigny* came into *England* about. As to that, whether the Treaſurer be a friend to *France*—We ought rather to go upon what is under the Treaſurer's own hand, than *Rouvigny*'s negotiation, which *Montagu* gives as intelligence only.

Colonel *Stroud.*] I would have *Montagu* give you an account of the whole thing, and then he can tell you who broke the Triple League—He tranſacted the whole thing.

Sir *William Coventry.*] It is manifeſt that the Treaſurer relies not upon theſe Letters for his defence, nor for any man to make a charge againſt your Member upon theſe Letters. I ſee it is to no purpoſe for you to ſit with theſe Letters in your hands; therefore take ſo much conſideration of your health, as to adjourn.

Mr Sollicitor *Winnington.*] We are beholden to the Lord Treaſurer for ſending us theſe Letters, to fortify you in what you did laſt night. I know not any farther

farther uſe of thoſe Letters, unleſs you would aſk the Treaſurer any queſtions.

Serjeant *Maynard.*] The buſineſs of the Impeachments of the Lords in the *Tower* is now impending. And your Committee will be ſtreightened in time, and *Chriſtmas* is coming on, and then the Term—And whilſt you hunt this one hare, you will loſe five.

Mr *Powle.*] That which gives a tenderneſs to enter the Letters into the Journal is, that there is mention made in *Montagu*'s Letter of Lord *Ruſſel* to be tampered with by the Ambaſſador *Rouvigny*; ſo at the ſame time, if you enter Lord *Ruſſel*'s juſtification, we ſhall all be for entering the Letters, viz. "That he has had no undue practice or dealing with *Rouvigny*, nor any indirect practice againſt the King or Kingdom."

Mr *Montagu.*] My wife and family at *Paris* were laughing at *Rouvigny*'s project, of doing *France* any ſervice by his relation to that noble Lord.

Sir *Robert Howard.*] To enter a dark paraphraſe upon this noble Lord's actions into the Journal, I am not for it. The world will talk otherwiſe of him. I would now adjourn.

Sir *William Coventry.*] It is preſſed that theſe Letters of *Montagu*'s ſhould be entered into the Journal. Yeſterday the Treaſurer's were entered, becauſe we voted an Impeachment upon it. We are all convinced that Lord *Ruſſel* is moſt remarkable in his affections to the good of the Nation; and I would now adjourn. But if not, pray put the Queſtion, "Whether in thoſe Letters that the Treaſurer has produced, there is matter of Impeachment againſt *Montagu.*"

Mr *Swynfin.*] The Treaſurer, in his Letter to the Speaker, ſays, "He has ſome other Letters to make his defence;" but only ſends you theſe Letters, and no manner of intimation that he will ſend them; but rather an implication that he will not produce them in his defence. You are not ſhowed what uſe Gentlemen will make of theſe Letters, nor the Lord Treaſurer neither. The beſt vindication you can make the noble Lord (*Ruſſel,*)

ſel,) is, ſlightly to return the Letters from whence they came.

Sir *Robert Sawyer.*] By this Letter, you ſee the *French* were in pain for the ſitting of the Parliament. This came from *France*, and that is my main reaſon for entering it, that the world may ſee how the whole ſeries of affairs has been carried on. Whether you enter them or not, theſe Letters will be ſeen without doors. Therefore, I would order them to be entered, and adjourn.

Colonel *Titus.*] Theſe Letters were, doubtleſs, brought in, with ſome deſign againſt your Member, *(Ruſſel.)* It is plain, that in *January* laſt, the Lord Treaſurer was the *French* King's enemy, and in *March* he was his friend. All we here very well underſtand Lord *Ruſſel*'s character. —But how after ages may underſtand it, I know not. Therefore I am againſt entering the Letters in the Journal.

They were not entered.

Saturday, December 21.

On the Lords alteration of the place in the diſbanding Bill from "the Chamber of *London*," to "the Exchequer."

Sir *Tho. Littleton.*] It is not now the Queſtion, "Whether the Money ſhall be placed in the Chamber of *London*, or the Exchequer," but whether the vital Privilege of this Houſe, the fundamental Privilege of this Houſe, ſhall be given up. It is not now, "Whether the Exchequer, or Chamber of *London*, &c." but whether you will give up the right and conſtitutions of Parliament, the very vitals of Parliament, viz. "That the Houſe of Commons have power to place the Money they give."

Sir *John Ernly.*] If it be granted that no circumſtance of place can be in a Money-Bill, upon the Diviſion of the Houſe, I would not have gone out for placing it in the Exchequer, and not in the Chamber of *London*. Suppoſe you ſhould ſend up a Bill, &c. to put the Money into your Serjeant's hands, cannot the Lords diſpute it, if it be a thing that may be diſputed?—Suppoſe you rate the Lords at 2*d.* a-piece—They may rate themſelves—unleſs you

you would have the Bill fall. (*Some cried*, "Let it fall.")

Sir *William Coventry*.] You are told by *Ernly*, "That a Tax-Bill fell in the Lords Houſe once, upon their lowering your rates upon foreign commodities, &c." But that ſhows that you maintained your rights. In the Bill for ſhips, the Lords would have their ſhare in taking the account of the Money, how laid out. "That the Commons ſhould have the account," was part of the condition of the Grant, and the Commons would not agree the Lords any ſhare in it—And you had it.

Mr *Waller*.] This Debate is not orderly. But all this may be ſaid at a Conference with the Lords, and that is orderly.

Sir *William Coventry*.] For reſolution of *Wheeler*'s queſtion, the Parliament did, ſeveral times, recognize the Queen, in Queen *Elizabeth*'s time, and King *James*'s time. It might be reaſonably ſuppoſed, that no man would oppoſe the Queen's or the King's title; but the form of the thing required a Queſtion to be put.

Sir *John Talbot*.] Here is a Debate that arraigns all thoſe that went out upon the Queſtion formerly, of "the Exchequer and Chamber of *London*, &c." I am not for delivering up our power to the Lords—But this kind of taxing the Lords is but of late, within the memory of man. It was not in former ages ſo; the way was by Subſidy; the Lords and the Clergy by themſelves, and they might add, ſurely. But if we have gained the point upon the Lords, let us know it, and then we may make uſe of it in its ſeaſon.

Mr *Powle*.] When *Littleton* ſaw there was a miſtake, he endeavoured to rectify it, not to fall into the ſame miſtake again. The monthly Tax may be new, but the form of the Commons Grant is old. We may ſee it in *Lex et Conſuetudo Parliamenti*, though it is not under any written Law, and never denied to be the right of the Commons.

The Speaker.] When you have given Money, the condition cannot be altered. If you have the right of giving

giving Money, ſhall the Lords tell you how you ſhall give the Money? The Lords have right of Judicature, and ſhall you tell them how they ſhall judge?

They diſagreed alſo with the Lords in this Amendment, viz. "*John Birch*, Eſq;" inſtead of "Colonel *Birch*."

Colonel *Birch*.] I am the weakeſt and meaneſt perſon in the Houſe; but that the Lords ſhould think me ſo weak, as to be degraded and diſbanded, from having aſſumed that name ſo long here!—And after being "a Colonel," not only under due Law and Authority, but by having a regiment alſo! When I waited on the King at *Worceſter*, I ſaw very few there beſides myſelf. I was ready to have my Commiſſion there, but I was not ſatisfied that they would fight, and ſo I went away. I had *Lambert*'s regiment given me to command, when General *Monk* declared for a free Parliament; and I held it till the King came in. And in *May*, when the King came in, I had a Commiſſion from General *Monk*, by virtue of the King's Commiſſion to him as General. Beſides that, I have another Commiſſion out of the Chancery, and another out of the Exchequer, with the title of "Colonel," and ſeveral other additions—And when all is done, I am as ready to be diſbanded as any of theſe new "Colonels," and I am as much "a Colonel," as any of them.

Few of the Lords Amendments were agreed to.

The Articles of Impeachment againſt *Thomas* Earl of *Danby*, Lord High Treaſurer, &c. were reported, &c. by Mr Sollicitor *Winnington**.

Mr Sollicitor *Winnington*.] By Order, I am to acquaint you, from the Committee, "That they thought it their duty, before they delivered the Articles, to look after proof of them: And the Committee have found proof ſufficient to make them good. They have had but a ſhort time for drawing them up; and the Committee is informed, that other Articles will come in, and in Impeachments there is always a ſaving for farther Articles."

* The Journal ſays, "by Mr *Williams*."

Colonel

Colonel *Titus.*] I deſire there may be ſuch an addition as the Sollicitor moved for, becauſe I have it from Members, that you will ſuddenly be apprized of very conſiderable matters farther. It is ſaid by *Temple*, "He would have you proceed in theſe Articles, in the ſame method as in the laſt Impeachment againſt the Treaſurer. And that is, not to call in Witneſſes till you had voted out all the Interrogatories."

Sir *Edmund Jennings.*] This is a matter not to be jeſted with. Theſe Articles are of a high nature, and if made good, and the perſon guilty of them, he will deſerve no little puniſhment. Now whether you will think fit to take this Information from the Committee, without farther grounds? I think it not for your honour. The Committee could not be found out where they ſat, and all Gentlemen here are on equal reputation, and if the Committee tell you they have inducements to believe the Articles, and ſhow you no proof, they may, at this rate, impeach whom they pleaſe. You are told of "the Treaſurer's treating with the King of *France* for ſix millions of livres, &c. and the matter not to be communicated to the Secretaries." But I muſt obſerve, that there are other Letters from *Montagu*, "That *Rouvigny* was to come over to break the War, and to propoſe Money for that end—And *Montagu* did not doubt, by his endeavours, to get double Money, and deſired the Treaſurer to acquaint none but the King with it." Now theſe Letters of *Montagu*'s preceded thoſe of the Treaſurer in time. If it be a crime to tranſact affairs without acquainting the Secretaries, it is no leſs a crime in *Montagu*. And if ſix millions be a crime, &c. in the Treaſurer, it is alſo a crime in *Montagu* to get twelve, and not communicate it to the Secretaries. If it be a crime in one, it is in another.

Sir *John Knight.*] It is regular now to be voted, "Whether there is ground of Impeachment in theſe Articles," and now they come to invalidate them.

Mr Sollicitor *Winnington.*] By your own Order, you are poſſeſſed of the Impeachment, by the Articles the Committee

Committee had Order to draw up, and the ſubject-matter is in purſuance of your Order to the Committee. That Letter, mentioned, of the Treaſurer's to *Montagu* is not an Article of Impeachment; it is only Evidence of an Article. If you proceed as has been moved, the matter will be infinite, and no man will be brought to judgment.

The Speaker.] Regularly, you are to read the firſt Article, and then the Queſtion is to be put, "Whether you will impeach upon that Article."

Sir *Charles Wheeler*.] If the fault can be taken off from the Treaſurer, and laid elſewhere, it is a fair way of proceeding—And of that you need not go to King *John*'s time for Precedents.

Mr *Vaughan*.] What was ſaid, the other day, of King *John**, is no Precedent, but an example. And I hope if Gentlemen do thoſe actions which were done in King *John*'s time, they will receive the ſame puniſhment thoſe perſons had then.

The Speaker.] No doubt but you will be ſatisfied of the Article before you vote it an Article.

Sir *Thomas Lee*.] Search the Journals, and ſee the caſe of the Duke of *Buckingham*, and you will find, that his ſervants and relations were voted to withdraw, and not vote in his caſe. I would have it ſo now in the Treaſurer's caſe. *(Upon Sir* John Hanmer's *ſaying*, "*That Mr* Montagu *ought to withdraw.)*

Sir *Robert Sawyer*.] Read the Vote and the Order, and then you will ſee whether the Committee has purſued that Order. You muſt ſee whether theſe Articles are a ground of the Impeachment you reſolved, whether made out by thoſe Letters, or no. The fact muſt be firſt ſtated; otherwiſe it is impoſſible to give a Judgment, whether it be Treaſon, or not. To paſs a Judgment ſubſtantially, I will not truſt my conſcience with any Committee. When that is done, one or two Gentlemen, at their perils, are to undertake that there are Witneſſes to prove it. Read the Vote, and the Order to the Com-

* See p. 358.

mittee,

mittee, and then ſee whether, out of thoſe Letters, or other matter, the fact is Treaſon, or not.

Mr *Montagu.*] Becauſe it was urged that by my Letter I was the occaſion of the ſecreſy of the tranſaction with *France*, I will ſhow you an Order from the Treaſurer for it, before I wrote that Letter.

Mr *Bennet.*] Before he ſhows any Letters, go on upon the Queſtion, " Whether this Article be Treaſon, or not."

The Order to the Committee was read.

Serjeant *Maynard.*] I cannot ſpeak to ſo many hares on foot at once. The Committee that brings in the Articles are not obliged to undertake the proof of the Evidence out of the Houſe; that is, to undertake that other men ſhall believe it. And therefore that matter muſt be in ſilence; you will elſe let go the five Lords in the *Tower*.

Sir *Edmund Jennings.*] There is no deſign of impeaching Mr *Montagu*, but only, " That there is no ſufficient ground for the Committee to go upon theſe Articles."

Sir *John Ernly.*] I remember the Articles againſt Lord *Clarendon*. The Queſtion was then, at the Committee, " Whether Papers ſhould be brought in without being ſigned, or no." You would not undertake the proof, but believed that perſons would. The Articles were brought into the Houſe, and undertaken to be proved. Some of them at the firſt reading were concluded, by the Long Robe, not to be Treaſon; and then it was ſaid, " Treating with the King's enemies was Treaſon." My Lord Chief Juſtice *Vaughan* ſaid, " It was not Treaſon, unleſs done contrary to the King's conſent;" and then Lord *Vaughan* undertook the proof of it *. This Committee calls this treating with the *French* " traiterous;" there can be no Treaſon without a Traytor. This is a ſanguinary thing, and it is every man's ſoul and conſcience that muſt anſwer this at the great day. If the nature of the thing bear it off, I am not againſt it; but I would be ſatisfied in it, as well as the Committee.

* See Vol. I. p. 35, 6.

Sir *Richard Temple.*] To Order. You had facts before in Lord *Clarendon*'s caſe. If the charge be brought within doors, it is undertaken by ſome Members to be proved, if witneſſes will ſtand to it. The Evidence muſt either be immediately before you, or Members muſt undertake the proof of it.

Several complained of "the ſecret ſitting of the Committee, not being to be found."

Mr *Williams*, Chair-man of the Committee.] The former day, you ſat till ten o'clock at night, and the Committee of Popery fell, and could not ſit. But as to the ſitting of this Committee of Impeachment, I will give you an account where we ſat; but it is not to gratify particular perſons, but at the command of the Houſe.

Sir *Thomas Clarges.*] The Committee, not being ordered to time or place, are not obliged to either, and they may meet where they pleaſe, and they have no obligation upon them.

Mr *Harbord.*] I would have Mr *Bertie*'s words written down, viz. "That the Committee has put a ſlur upon the Houſe;" and "that the Committee did ſit in holes."

Lord *Cavendiſh.*] Thoſe who except againſt the Committee, were not of the Committee, who would come only to ſpy what we did. God forbid that the Treaſurer's life and eſtate ſhould be in danger by what we did at the Committee! But if we are in danger of our lives and eſtates, by his means, I would have him give an account of his actions to the Public.

Sir *Richard Temple.*] No Committee can be appointed but muſt have time and place appointed.

Sir *Henry Capel takes him to Order.*] No place is appointed. If you read your Order, you will find it ſo. A Committee ordered to draw up a Bill has no place appointed. And the Committee to draw the Impeachment againſt the five Lords in the *Tower* has no place appointed. But as to "ſitting in holes," the Committee had their liberty to ſit where they would, and they had no Order for place.

Mr

Mr *Powle.*] It is frequent to appoint Committees, without appointing time and place. I came into the Speaker's Chamber, where I ſaw a great many Gentlemen, who, I believe, came not thither to farther the work. But when I ſaw they met not there, I went to view the Journal for the Order, and I found the drawing the Impeachment referred to two particular perſons *. I ſearched for them, and found a full Committee.

Serjeant *Maynard.*] There is a Committee for drawing up the Impeachment, and that excludes not others from coming to it. But when you go farther, and ſay, "two particular perſons ſhall take care of it," they may meet where they pleaſe. I would adjourn this Debate now, and appoint the Committee time and place.

Sir *Thomas Lee.*] Put any one Queſtion, what you will, to proceed and not loſe time. If you void this, all the proceedings againſt the five Lords are void too. That Committee proceeded by the ſame ſteps. But conſider, the Lords can proceed upon no judgment in this Impeachment, till they have all the Evidence before them: And that will ſatisfy any Gentleman's conſcience, that our proceedings here do not judge the Treaſurer.

Sir *William Coventry.*] I am ſorry we ſpend ſo much time to ſo little purpoſe. Two perſons were to take care of drawing this Impeachment, and this is in the nature of drawing a Bill. If twenty are named of the Committee, it is intended that the whole twenty muſt draw the Bill: But it is not to be brought to the Houſe without the approbation of a convenient number, to avoid confuſion; elſe you will never have any Bill drawn. If this Committee have obſerved theſe ſteps, they are right; if not, they are not right, and regularly to be reproved.

Mr *Williams.*] I ſhall ſpeak to matter of fact. The Committee agreed to the place of meeting, ſeven or eight of us, before you left the Chair.

The Speaker.] I will ſtate you the right caſe. You direct your Committee to draw up Articles, and when

* It was particularly recommended to the care of Lord *Cavendiſh* and Mr *Williams*. *See the Journal.*

they report what they have done, it is regular to ſay, "It is done by the authority of the Committee."

Mr *Williams.*] Six or ſeven of the Committee agreed on the place, which was at my Chamber in *Gray's-Inn.* Fifteen had notice of it, and nine were at the place *.

Mr *Waller.*] They ſaid, "They named the place of meeting," and I doubt whether it be a Committee, if no place be named by the Houſe. This is *in vitâ hominis*, and upon this occaſion there have been ſuch groſs miſtakes, that you yourſelves have rectified what was amiſs. I love union, and I could have wiſhed that union againſt the common enemy. The King and we are agreed about the Popiſh Lords. When we come to perſonal things, then come in perſonal inclinations and averſions. When men appoint their place of meeting, and the Houſe appoints none, then begins the inconvenience.

Sir *Charles Harbord.*] In the great Bill of Popery there was no time and place named; but in other things there muſt be. But for their "meeting in holes" they are to blame, and the Chair-man muſt give you an account of it.

Sir *John Talbot.*] You now know where the meeting was. I ſtand up for your Order's ſake, not to ſpend the whole day in this Debate. Exception is taken to the manner of the meeting of the Committee, and that your Order is defective. The Orders, in caſe of a Bill, are different from this. The Houſe then has debated the heads and reſolved them, and then they are put to two or three Gentlemen to make the coherence of what you have agreed. But this Committee has ſtamped the crimes upon the thing, which they ought not to do. I have ſeen *Williams* paſs Votes, when in the Chair, when the Committee has reſcinded what was done. This Committee being clandeſtine, it may be they have not done their duty; for they have ſtamped the crime already upon the Articles, which they had no authority to do. Therefore I move, "That the Articles may be recommitted."

* The whole Committee was twenty-two.

This

This was ſeconded by Serjeant *Maynard*.

The Speaker.] No man, by the ancient Rules of the Houſe, is to be of a Committee of a thing he is againſt, but yet his preſence is not excluded. You are to keep to that point before you, viz. "Whether the Committee has proceeded regularly in what they have done." Another Rule of the Houſe is; when the Reporter ſtands up, he is to be heard before any man elſe.

Mr *Williams*.] Eight of your Committee were preſent when the Articles were drawn, and they met this morning in a full Committee, in the Speaker's Chamber, and made ſome alterations, and adjourned to the inner Court of Wards.

The Speaker.] That there may be no miſrepeating now, and no miſreporting afterwards, let any two agree on a Queſtion, and I will put it.

Mr *Bellingham*.] I will make you a Motion. Let the beſt friend the Treaſurer has in the Houſe propoſe a Queſtion, and I am for having that Queſtion put.

Mr *Powle*.] I would not have the determination of the Queſtion upon you, Mr Speaker, leſt you be chid for it. I would have it the Queſtion and Opinion of the whole Houſe. *(reflecting.)*

The Speaker.] I know not what that means, "of being chid for doing my duty here." If any chide me, I will chide them again.

Sir *John Bramſtone*.] What would you recommit? The Paper was never committed; but I would have you name time and place for the Committee appointed.

Sir *Courtney Poole* ſeconds *Bramſtone*.

Sir *Edmund Jennings*.] If the Queſtion be, "Whether the Articles ſhall be recommitted," let the Queſtion be, "Whether the Impeachment of the Lord Treaſurer ſhall be recommitted."

After divers variations of the Queſtion by the Treaſurer's party, for they could not agree amongſt themſelves what Queſtion they would have put, this was the Queſtion: "Whether the Articles of Impeachment againſt the Lord Treaſurer ſhall be recommitted;" which paſſed in the Negative, 179 to 135.

The firſt Article againſt the Lord Treaſurer was read, and is as follows: "That he has traiterouſly aſſumed to himſelf Regal Power, by treating in matters of Peace and War with foreign Miniſters and Ambaſſadors, and giving Inſtructions to his Majeſty's Ambaſſadors abroad, without communicating the ſame to the Secretaries of State, and the reſt of his Majeſty's Council, againſt the expreſs Declaration of his Majeſty and his Parliament; thereby intending to defeat and overthrow the proviſions which had been deliberately made by his Majeſty and his Parliament, for the ſafety and preſervation of his Majeſty's Kingdoms and Dominions."

Mr *Peregrine Bertie.*] Before you go to the Queſtion, I would have ſome of the Long Robe ſpeak to this Queſtion.

Sir *Charles Wheeler.*] The Queſtion is, "Whether you will apply this Article to the title of "aſſuming of Regal Power, &c." and "Whether the Treaſurer aſſumed it, or no." If he aſſumed Regal Power, that is Uſurpation, and whoever aſſumes it is guilty of Treaſon. In Lord *Clarendon*'s caſe, every Gentleman that brought in an Article ſaid, "He could prove the thing." The Article ſays, "He aſſumed Regal Power." The Letter to *Montagu* was by the King's command; he does it. Now how can a man ſay, "that he aſſumed Regal Power, and obeys Regal Power?" Now having voided conſtructive Treaſon by the caſe of Lord *Strafford*, our Liberties, Lives, and Eſtates are at ſtake in it.

Mr *Vaughan.*] As nothing can flow from the Crown that is unjuſt, ſo nothing that is unſafe. At the ſame time that you are raiſing an Army for a *French* War, here is one treating with the *French* for Money for a Peace, and contriving to lay aſide the Parliament for three years; and this is the preſent caſe before you.

Sir *Charles Harbord.*] The Treaſurer is to make good the King's command for what he did, in his defence, when he comes upon his Tryal. But you ſee plainly that he treats for the Peace, and the Money, and you know nothing of the King's command for him to do it.

Mr *Finch.*] What I ſhall ſpeak to is, whether the word "traiterous" ſhall ſtand in the Article. Impeach-

ment

ment muſt be for a crime, but the nature of that crime is the Queſtion. In juſtice to yourſelves and poſterity, I would not have you aggravate the matter beyond its due nature, againſt Law. I know not by what Law in the world that encroachment upon Regal Power is not Treaſon. I would have the matter of fact made out by the Long Robe.

Mr *Powle.*] I commend the reſolution of Gentlemen in not dipping their hands in blood. And ſo I hope we ſhall be all clear of that, when we come to give an account to God, at the laſt day of judgment. I think, in the Treaſurer's Letter, he ſays, "He does it, &c. by the King's command." No man certainly is ſo void of ſhame; but he would entitle the King to it. No man has authority to treat of theſe matters, &c. but *virtute officii*, or by Patent from the King to do it. No verbal Order from the King can authorize it—This is no part of the Treaſurer's office—Look on his Patent, and you will find that he is only to look after the Treaſury; he is not to meddle with foreign affairs, and none are to treat with Ambaſſadors but by the King's authority under the Seal. If the Treaſurer has any ſuch authority, I ſuppoſe he will produce his Letters Patent in his defence. At the time that you gave the Poll-Bill to be employed in an actual War againſt *France*, the Treaſurer ſtipulates for Peace with the *French* King. I know not how he can juſtify it.

Sir *John Ernly.*] I know not what authority the Treaſurer has to treat, &c. But was not the King a Mediator in the Peace? how could you expect it? War was never made for War's ſake—I doubt it will appear, that the *Spaniards* might have had better terms, if there had not been other engines on work; and I doubt not but Mr *Montagu* can ſay much to that, and in honour and juſtice he ought—that the Treaſurer was never for *France*, nor of that ſort. If the King was a Mediator, and could not treat with *France* for Peace, it is ſtrange—But we had actual War with the *French* in *Flanders*. The Treaſurer has done nothing but what he had authority for, and if

it be a crime, *Montagu* treated for it, and would have had double the Money propoſed.

Mr *Montagu.*] When the time comes I ſhall ſay what is true, as to the Lord Treaſurer. And if I be to blame for what I have done, I will ſuffer the ſenſe of the Houſe.

Sir *Thomas Higgins.*] I never knew but that the King could give authority to treat about Peace. It is the wiſdom of the Goſpel that bids us ſeek Peace. The advantages of Peace depend upon circumſtances, or changes of our enemies.

Sir *Henry Ford.*] I make no queſtion but this firſt Article, if proved, is very applicable to the title. But I preſume there is ſome farther proof of it than this Letter. It is ſaid, " If the perſon that ſo treats, &c. be qualified by his Place or by Patent, that it is not Treaſon." But till I know whether he has or no, I cannot give my Vote. I ſhould be bold to aſk the Committee a Queſtion, " What proof they have had?" It is the ſame Queſtion you aſked the King, in your Addreſs, when *Montagu*'s Cabinets were ſeized, &c. " Whether upon Oath?" They have no power, as a Committee, to examine upon Oath; but ſome of them are Juſtices of Peace, and may examine, &c. I move to know the proof of this Article, and ſo I ſhall in every one.

Mr *Bennet.*] *Ford* has come near the matter. He agrees the Article to be Treaſon. And if the Treaſurer has a Patent to treat, he may in due time plead it; but we are not condemning him.

Sir *George Downing.*] As to the office of the Lord Treaſurer, if you take it for a thing you can maintain, that the Lord Treaſurer is not to give inſtructions to Ambaſſadors but by virtue of a Patent, you will be miſtaken. It was very ordinary, when I was abroad, for other Miniſters to ſend inſtructions from Lord *Clarendon*, and other Miniſters to ſignify the King's pleaſure.

Mr *Sacheverell.*] In this I will appeal to the Gentlemen of the Long Robe. Great ſtreſs is laid upon the words " aſſuming, encroaching, or uſurping Regal authority." I would know, whether treating Peace and War without the

the King's conſent is Treaſon? For that making Peace and War is in the King, no man will deny. I preſume, that to treat of Peace and War againſt the King's declared ſenſe in Parliament, is Treaſon, eſpecially as expreſſed in the latter end of the Article, when it is in danger of the King and Kingdom. I would have any of the Long Robe anſwer that.

Serjeant *Pedley*.] The Queſtion is not of matter of fact, whether this Article be true or falſe, but what you will denominate the thing. 25 *Edw.* III. enumerates Treaſons *—And what is made by this Parliament for preſervation of the King's Perſon—All other Treaſons are out of doors. Thoſe made in Queen *Elizabeth*'s time were temporary, and now all is comprized in 25 *Edw.* III.—Thoſe words in the Article of "encroached to himſelf Regal Power," are not within that Statute. "Regal Powers" are often aſſigned to particular juriſdictions. Some Courts have power of naming Juſtices of the Peace, and miſdemeanors of thoſe Courts are not only puniſhed by *Quo Warranto*, but in the Exchequer alſo. Raiſing of War is depriving the King of his Imperial Crown and Dignity. Where it concerns a perſon's blood, we ought to be tender; but, without doubt, this Article is a high Miſdemeanor, and we can puniſh for no more than the crime is. I am very doubtful whether theſe crimes be within the Statute of 25 *Edw.* III. I would have the Statute read. Treaſon at Common Law this offence might be, but that was endleſs, and ſo the Statute of 25 *Edw.* III. was made.

* The offences declared to be Treaſon by that Statute are theſe: "Compaſſing or imagining the death of the King, the Queen, or of their eldeſt ſon and heir; violating the King's companion, or the King's eldeſt daughter unmarried, or the wife of the King's eldeſt ſon and heir; levying War againſt the King in his Realm, or being an Adherent to the King's enemies in his Realm; giving them aid or comfort in the Realm, or elſewhere; counterfeiting the King's Great or Privy Seal, or his money, or bringing counterfeit money into the Kingdom; killing the Chancellor, Treaſurer, or any of the King's Juſtices in their Places, and in the execution of their Office." *Statutes at large*, 25 *Edw.* III.

Mr

Mr *Vaughan.*] We have, at the beſt, but a ſad and melancholy buſineſs before us. No man's greatneſs and authority, but, if great and unjuſt, aggravated the ill he did, being in power to do good. I am not of opinion that this Article is Treaſon, either by the Statute of 25 *Edw.* III. or Judgments, which is called Common Law; but the Parliament may declare it Treaſon. Thoſe that are equal inconveniences to King and State are to be made Treaſon. Delivering up towns to the King's enemies, without being driven to the utmoſt diſtreſs, was not Treaſon, but judged in Parliament to be Treaſon. *John Imperial*'s caſe, who was Ambaſſador of *Genoa*—The killing him was not Treaſon, but becauſe it was a high diſhonour to the King to have a foreign Ambaſſador killed in his Kingdom, it was in Parliament judged Treaſon. Now the Queſtion is, whether this Article be equivalent to that caſe? It is the greateſt thing that can be done in diſhonour of the King, to ſow ſedition in the Kingdom—When a War was declared in Parliament, and Money given for it, and at that time to ſtipulate Peace with the King's enemies;—it was enough to ſet the Kingdom on fire. There is no meaſure to know the King's meaning, but by his revealed will—The King, by his Act of Parliament, declared War againſt *France*, and this man then treated for Peace, and no greater diſparagement could be to the King than to become a Penſioner to the *French* King, and ſo great a ſum to come into *England* from the *French* muſt balance on the *French* ſide. I have delivered my opinion.

Mr *Williams.*] By *Pedley*'s opinion, he agrees that this is Treaſon at Common Law. The Stat. of 25 *Edw.* III. alters not the Common Law, only as to the judgment of Treaſon in the inferior Courts, but alters not the authority of Parliament. The Parliament is not bound up, but may declare Treaſon. 25 *Edw.* III. touches not this matter at all; but you cannot create this Treaſon, that was not ſo at Common Law. This being ſo, you may declare it by this Impeachment, and the Statute of 25 *Edw.* III. has no influence at all. Now I will come

to

to the nature of the thing—Compare Treaſon with Treaſon—Take the caſe in fact as it is before you: A Treaty with a foreign Prince againſt an Act of Parliament! Can any thing be more heinous, or touch the King's Crown and Dignity more? To imagine any thing againſt the King's Crown and Dignity with overt act, is Treaſon. I am of that opinion, till I am convinced by better judgments.

Sir *Richard Temple.*] All Common-Law-Treaſons are taken away by the Statute of 1 *Mary*. Declaratory power in Parliament could extend no farther than to what was Treaſon at Common Law, &c.

Sir *Harbottle Grimſtone.*] The little I have to ſay, is in anſwer to the great deal ſaid by *Temple*. As to the buſineſs of Treaſon, I agree with *Pedley*, but more with the Statute of 25 *E.* III. There are certain Treaſons not mentioned within that Statute—It muſt be agreed, that they were Treaſons before then—What does that Statute confine? It does only the inferior Courts. The omnipotent power of Parliament takes cognizance notoriouſly of circumſtances, for the terror of others, and we have precedents of men dead and rotten, and yet the Parliament has made their memory rot to poſterity; they have been taken up and buried under the gallows. When Judgment of Parliament was for a War with *France*, and the people were poſſeſſed of it; when the King and the Parliament declared a neceſſity of a War with *France*, and the Parliament was raiſing money for an actual War; for any man then to treat for Peace! When once confidence is broken betwixt the King and his people, nothing tends more to the deſtruction of both, and they are the worſt of men that have brought us to this paſs, that we have no truſt at home—We are then a fit prey for the *French*. I do not condemn this great Perſon before-hand, but it will reſt upon the Houſe to make this Article good. I ſay, it was Treaſon at Common Law before the Statute of 25 *E.* III, and this is a power reſerved in Parliament by 25 *E.* III, to declare it Treaſon now. If he has a Pardon, you may go on with the Impeach-

Impeachment, notwithſtanding. If he has a Pardon, let him plead it. I would not have him hanged with his Pardon about his neck. Compare this Article with the particulars enumerated in that Statute, and you will find this offence as dangerous as any enumerated there.

Sir *John Bramſtone.*] You have matter of fact before you, and out of that ariſes matter of Law. Will you take the part of the Letter againſt the Lord Treaſurer, and not the part of the Letter for him? The Letter ſays, "He was commanded by the King to ſignify ſo much to *Montagu*;" and never was there any War by Act of Parliament to laſt for ever; the King muſt treat for Peace in time of War. I ſee no crime at all in the Treaſurer, in this matter. If it be a crime, I will be bold to ſay, that the crime muſt be Felony before you can declare it Treaſon. If Impeachment only be ſufficient, what need was there of an Act of Parliament to attaint in Lord *Strafford*'s caſe? I believe you have no power to declare that Treaſon which was not Felony before.

Sir *Thomas Meres.*] The Gentleman makes a miſtake in the point. I agree that nothing can be Treaſon, but what was Felony before. But this is Judgment of Parliament. It is put upon the difficulty of retroſpect Laws; but this is no retroſpect. He may be guilty of that Treaſon at Common Law, but not tryable at *Weſtminſter-Hall:* It muſt be declared by Parliament—If theſe be Treaſons at Common Law, they are aſleep, and none can awake them but Parliament. In Lord *Strafford*'s caſe, the "*ne trahetur in exemplum*" was inſerted, that the Judges ſhould not take example, by that Judgment of Parliament, to judge Treaſon. Lord Chief Juſtice *Vaughan*'s argument, when he ſat here, in Lord *Clarendon*'s caſe, was ſo; I affirm it.

Serjeant *Maynard.*] Whatever *Vaughan* underſtood it, I know not. I hear now great diſcourſe of Treaſon, but I would have any man of the Long Robe, or not of the Robe, define Treaſon—Only it is the puniſhment of a traytor. Coining of Money, corrupting the Queen's chaſtity,

chaſtity, &c. Now under what common *Genus's* do theſe come? It is a dreadful judgment. It muſt be a crime, elſe you cannot make it Treaſon. Men muſt foreſee what will be done; it muſt be referred to Parliament if doubtful. I hear it ſaid, "That it muſt be Felony before it can be declared Treaſon." 1 *H.* IV, in caſe of Appeals—one Lord challenged another to combat, and the King might grant it. *H.* VIII. Statute cuts out a caſe, but takes not the authority from Parliament. In 1397, *John Hall* was ſent over to *Calais*, by *R.* II. and they ſtifled the Duke of *Glouceſter* with a feather-bed, and the Lords gave Judgment of Treaſon, 1 *H.* IV. and that was but a Felony, and done beyond the ſea. To ſubvert Religion, and coin a ſhilling is Treaſon; to kill one Judge, &c. is not a greater Treaſon than to kill all the Judges. In every Nation one power is ſupreme. In *England* the King, Lords, and Commons. 1 *H.* IV. the Commons are petitioners to the King for matter of right; they are demanders for Juſtice. I will not enter into the queſtion how far the Lords can go. Such a caſe may come as deſerves as heinous Judgment as any of the Treaſons of 25 *E.* III. If any man take Money to betray his country, or take Money here for his Vote, I would have him have Judgment before the Lords and you of Treaſon. If this be the caſe, and the Treaſurer has done it by command of the King—*the Law denominates Patricide* *; no Law for it. When men exceed the Laws in wickedneſs, Laws muſt be made to meet with their crimes. This caſe of War with the *French* King, &c. and Money given by the Parliament for it, and a private Council treats with the *French* King for Money for a Peace; there may be circumſtances that may mitigate it—But for a particular Miniſter to divert the King's intentions by Law—It is but a monſtrous opinion that great crimes ſhould go unpuniſhed. As to Lord *Strafford*'s caſe, in divers things he had exceeded; Sir *Henry Vane* took notes under his hat, at a private Council, of what Lord *Strafford* ſaid, viz. "That the Parliament had denied the

* *Sic MS.*

King

King Money, and that the King ſtood looſe and abſolved, &c. and might ſend for the Army out of *Ireland* to reduce his rebellious ſubjects in *England.*" This and other things mixed together were declared Treaſon in the Long Parliament, 1641. The Houſe of Lords went upon another way. I drew that Proviſo, " That this Judgment upon Lord *Strafford* ſhould not be drawn into example;" elſe liberty had been given to the Judges to have judged Treaſon accumulative. Therefore this ſhould not be drawn into example, but the Judges ſhould hold to the Statute of 25 *E.* III. But I am not ſatisfied in this Article, to be declared Treaſon.

Mr *Waller.*] Pray look into the Act of Repeal of Lord *Strafford*'s Attainder. I differed from them then in the Attainder, and I do a little now—You will not make a Treaſon of imprudence—But there is the matter, whether the King commanded this. *Mens regis* is *mens legis.* That which you are to go upon is *de jure.* Firſt, determine that this man treated without the King's Order. And next, how if he did it with his Order.

Mr Sollicitor *Winnington.*] I will not ſhow the ſtrength of my voice in what I ſay, but, as well as I can, of my reaſon. By 25 *E.* III, when the Nation was well ſettled after the Conqueſt, then they conſidered where that great truſt ſhould lie in point of adminiſtration of Juſtice againſt extraordinary offenders. That of the 12, 14, or 20 *E.* III. were Treaſons; but becauſe many other Treaſons which the Judges ſhall not judge, are not there declared, yet it takes not away Treaſon at Common Law, to be judged in Parliament. That Statute of 1 *E.* VI. and 1 *Mary* takes care that no Treaſon ſhall be for the Judges to declare, but only ſuch as is made Treaſon by 25 *E.* III. but not Treaſons at Common Law. But becauſe great men are too hard for the Common Courts of Law, and are apt to forget their duty in their Places, they incroach ſometimes upon Royal Power, and take the Prerogatives inſeparable from Regal Power to themſelves. It is ſaid, " That what this Lord did was by the King's command." Let him plead that in his defence, upon his Tryal.

Tryal. But it is not imaginable he ſhould, when a few days before the Act was paſſed for the Poll-money for the *French* War, &c. when we had the greateſt aſſurance, Royal Aſſent to an Act, that the King ſhould give private Inſtructions in contradiction of that Act, is not a thing to be imagined of the King. In the Bill of Attainder of Lord *Strafford*, "*ne trahetur in exemplum*," was, that the Judges, by that Bill, ſhould not learn from thence a new Treaſon, to judge in their Courts by it. "Not to draw it into example," is to be underſtood *cum grano ſalis*. As no man living is more tender of blood than I am, ſo I would do as I would be done by. And if that had been practiſed by the Treaſurer, this Impeachment had never been—Taking it for granted that this is dubitable, whether he had the King's Command or not, it is our duty to impeach him; in one way you may miſs the offender, in the other way he may have juſtice. If the Lords judge it Miſdemeanor only, you have a juſt ground to take the help of the Law, when enormities ariſe from great men. I hope they were never too great for Parliament, and I hope never will.

Mr *Finch*.] The Queſtion is, Whether the word "traiterous" ſhall ſtand in this Article. I would not have Gentlemen aggravate this matter. I ſay poſitively, that, without uſing your declaratory Power in Parlialiament, this Article is not Treaſon. We are little obliged to thoſe learned Gentlemen to put us upon thoſe explanations of Treaſon, to be ſnares to ourſelves. Without ſuch a *ne trahetur*, &c. all the Judges muſt, for the future, judge ſo. And you have opened a gap to all the Judges, &c. if you declare this Treaſon. There are no acceſſaries in Treaſon, all are principals, and you may involve the noble Gentleman, Mr *Montagu*, in it. It is ſaid, "Several Gentlemen have known this ſome months before," and if this Article be declared Treaſon, that muſt be declared Miſpriſion of Treaſon. I cannot agree with the learned Gentlemen about Treaſon at Common Law. They know how many ſnares there are in that Common-Law-Treaſon, which does not only limit the Judges, but

Parlia-

Parliament itſelf. That Statute ſays, "Treaſon, or other Felony;" ſo it muſt be "Felony" at leaſt before it can be declared "Treaſon." 1 *H.* IV. *Hall* killed the Duke of *Glouceſter*, &c. and the killing *John Imperial* were declared Treaſon, but the offences were Felony firſt. I would have any man tell me whether ever any thing was declared Treaſon that was not Felony before. The Statute 1 *E.* VI. and 1 *Mary* plainly repeals that power declared and expreſſed in 25 *E.* III.

Sir *Harbottle Grimſtone.*] This Gentleman is altogether in a miſtake. What he ſays is not applicable to the caſe before you. He ſays, "it is dangerous to declare that Treaſon which was not Felony before."—*Taken down to Order by*

Sir *Henry Goodrick.*] "Traiterous deſign" in the Article, is the brand for doing the thing. It will require great time to reduce this thing that the Treaſurer is charged with—From the time of the Prince of *Orange*'s Marriage there were great hopes of that Marriage. But the States grew to a diſtruſt of the Prince from the *Loveſtein* party (that came from *France.*)—In *Montagu*'s Letters ſome of the Parliament are called, "Malecontents" (and in *French* they are called "Rebels in *Hungary*,") to carry on the old deſign. It is our duty to ſupport Monarchy—I move "That the word "traiterous" may be expunged out of the Article; and that "Miſdemeanor" may only ſtand."

Mr *Powle.*] No man denies, that the declaratory power of Treaſon by 25 *E.* III. is in Parliament; but it is objected, "that it was taken away by 1 *E.* VI. and 1 *Mary* &c." Thoſe Statutes took away only all ſuch Treaſons as were made ſince 25 *E.* III; but not the declaratory power in Parliament. The Statute of baniſhing the *Spencers* is printed under the name of *Exilium Hugonis*; "1. They encroached to themſelves Royal Power, taking the management of all affairs upon them." "2. They defeated good Laws that were made." "3. They took upon them putting perſons out and into Offices; particularly putting in Judges not converſant in the Laws of

of the Realm." (*Some called out* "So was Baron *Bertie*, the Treaſurer's brother-in-law.") The King and the Realm are named diſtinct in that Statute; and for theſe offences they were baniſhed. In the 11th of *R.* II, the Duke of *Ireland* and the Archbiſhop of *York*—Lords appellants, &c. and the Commons joined in the Judgment: They were judged upon Impeachments, relating to the King's houſe, &c. and the Kingdom; ſending Letters to the King of *France* under the King's Seal. The Duke of *Ireland* raiſed the *Cheſhire* men, &c. and this was judged "levying War againſt the King." Theſe are the ſpecial Articles which were judged Treaſon. But there is one caſe beyond all diſpute—17 *R.* II. Sir *John Talbot* conſpired the death of the Duke of *Lancaſter*; which was judged Treaſon—But that offence, unleſs judged Treaſon in Parliament, was not ſo much as Felony before. 22 *Hen.* VIII, *Richard Roſe*, Cook to the Biſhop of *Rocheſter*, put poiſon into the pot of pottage which his Lord ſhould have eaten. It took no effect upon his Lord, but upon the poor people that were ſerved with it at the gate; which was judged Treaſon. The Holy Maid of *Kent*, *Elizabeth Barton*, ſaid, "If the King took not Queen *Catherine* again, he ſhould die, &c." which was declared Treaſon in her and all her accomplices—But I would be tender in not letting Treaſon looſe too frequently, leſt we know not whom it may devour. Here is no determination of the thing. Every man has his Vote and Reaſon. I wiſh it may be otherwiſe. But now I have told you my Reaſon how I ſhall give my Vote in the Houſe.

Serjeant *Crooke.*] The times of *R.* II. were troubled times, but all thoſe Judgments were repealed. Before that excellent Statute of 25 *E.* III. there were varieties of Treaſons, as they were judged; but all Judgments, after that Statute, were in Parliament, but generally offences declared Treaſon were Felony before. The offence of the Biſhop of *Rocheſter*'s Cook, in poiſoning the poor people, was Felony before. The great forty Articles againſt Cardinal *Wolſey* were not *proditorie*, but ended all

in *Præmunire*, and moſtly they were for cauſes eccleſiaſtical. But as for binding ſupreme Power in future Parliaments, without doubt, King, Lords, and Commons, may do it. But whether *proditoriè*—That makes the Judgment Treaſon. The caſe of Lord *Strafford* was levying of War, &c. and that was alleged then, and Lord *Clarendon*'s caſe—When there are other crimes that do ſtrengthen the offences. There is not one declaratory exerciſe of that power in Parliament, ſince 1 *Mary*. And if I cannot be ſhown any, I move that the word "traiterous" may be left out of the Article.

Mr *Leveſon Gower*.] I would not provoke the King, by this way of proceeding, to govern by arbitrary Power and an Army. I would know why the Committee have not diſpatched the Articles againſt the five Lords in the *Tower*, that they may be tryed. *(He was called, by many, to the Bar.)*

Sir *Thomas Lee*.] I will give *Gower* ſatisfaction why the Committee has not diſpatched the Articles againſt the five Lords. The fright of an Army not to be diſbanded, when there was an Act of Parliament and Money given for it, has haſtened this Impeachment againſt the Treaſurer. The leaving the word "*proditoriè*" out of this Article, is like leaving "*felonicè*" out of an Indictment of Felony. If you leave out the word "traiterouſly," the reſt of the Article will prove but pepper and vinegar ſauce for roaſt beef: As was declared in the caſe of Sir *Samuel Barnardiſton*, for the malfeſance of the Sheriff in making a falſe Return.

The Queſtion being put, Whether the word "traiterous" ſhould ſtand in the firſt Article, Sir *John Lowther* and the Compiler* were Tellers for the Yea's, 179; Lord *Latimer* and Mr *Coke* for the No's, 144.

Little was ſaid to the ſecond and third Articles †.

* The Journal ſays, that Sir *John Lowther* and "Mr *May*" were Tellers.

† The ſubſtance of theſe two Articles was, "That he had endeavoured to ſubvert the ancient form of Government, by deſigning to raiſe and keep up a ſtanding Army;" and "That he had attempted to hinder the meeting of Parliaments."

Article 4.

Article 4. "That he is popiſhly affected; and hath traiterouſly concealed (after he had notice) the late horrid and bloody Plot and Conſpiracy contrived by the Papiſts, &c."

Mr *Bennet*.] This is only the difference between *Coleman* and the Treaſurer, that *Coleman* dealt with the King of *France*'s Confeſſor about Money to bring in Popery, and the Treaſurer dealt with the *French* King's Miniſters for Money. The conſequence whereof was a ſtanding Army and Popery.

(*The Speaker ſaid privately to ſome of us*, "That the Treaſurer was no more popiſhly affected than he was; on his conſcience.")

Lord *Cavendiſh*.] There is ground for this Article, by what you have heard from Dr *Tongue* at the Bar.

Sir *John Ernly*.] From the 14th of *Auguſt* to *September* the Plot was not concealed, but was under the more privacy for better finding it out, by the King's command and the advice of Dr *Tongue*.

Mr *Harbord*.] That Gentleman, *Ernly*, knows that he has ſigned ſeveral Penſions to Papiſts, by the Treaſurer's Order, and you yourſelves ſhall ſee the Records of vaſt ſums paid in Penſions to Papiſts.

[*Reſolved*, That the Lord Treaſurer be impeached upon this Article, 143 to 119.]

The reſt of the Articles were not much contended *. [And Sir *Henry Capel* was ordered to carry them up to the Lords on *Monday*.]

Monday, December 23.

Sir *John Ernly* brought the following Anſwer from his Majeſty, to the Addreſs about Mr *Montagu*'s Papers, viz. "That his Majeſty has ſent ſeveral Letters he had received, to give you ſatisfaction in that matter, to be read in the Houſe, and returned him back again."

The Speaker.] If you deliver the Articles at a Conference with the Lords, the Managers are to open them,

* The ſubſtance of the two remaining Articles was, "That he had waſted the King's treaſure, and iſſued out great ſums of money for unneceſſary penſions and ſecret ſervices, to the amount of 231,602l. in two years:" And "That he had procured for himſelf conſiderable gifts and grants."

Article by Article, as the nature of the Articles requires. If they be delivered at the Lords Bar, your Meſſenger is to tell the Lords, "That you have a charge of High Treaſon, &c. againſt the Earl of *Danby*," and then read the Articles. And then deſire the Lords, "That he may be ſequeſtered from his attendance in Parliament, and that the Lords would be pleaſed to put him into ſafe cuſtody, &c."

The Letters the King ſent were then read by the Speaker, and were to this effect:

"*Nimeguen, November* 5, 1678." Without direction. "The *Swediſh* Ambaſſador *Olivecrans* began his viſit with the diſcourſe of the Plot; and that the deſign was not only againſt the King, but againſt all Proteſtant Princes, and no way to prevent it, but by making Peace—He doubted *Montagu*; for that about a year and a half ago, he held ſeveral Conferences with the Pope's Nuntio in *France*; that he had it from the *Swediſh* Ambaſſador there, and the Maſter of the houſe where he lay. That there was a Marriage there depending between the Duke of *Orleans*'s daughter, the King's niece, and the King of *Spain*. If the King did reflect upon former directions, he might know whether *Montagu* did negotiate it by his order, or not. The time this was, was about a year and a half ago, *May* 1677—He knew nothing of the matter, but in twelve or fifteen days he could know. I write not to the Secretary of this---I have obligations to Mr *Montagu* and my Lord Chief Baron, and it is a regret to me to mention Mr *Montagu*. I am, with perfect reſpect, and under the greateſt obligations, &c."

The Speaker.] This Letter has no direction, and is ſubſcribed by nobody.

The Anſwer. "The King never entered into any ſuch Treaty, and *Montagu* had no inſtructions to treat of the ſaid Match. It will be an acceptable ſervice, if *Oldenblank* can diſcover the matter."

Another Letter: "*Nimeguen, December* 3, 1678. I have received the liſt of the Officers in the Popiſh Plot. The Abbé *de Sures* had a Conference three or four days with *Montagu*: When his friend hath a cypher, he ſhall know, &c."

Mr *Montagu*.] If I was ever in the Abbé *de Sures*'s houſe in all my life, I will forfeit my head—He is a common

mon news-monger. I proteſt, I was never alone in a room with the Pope's Nuntio in my life. If it be proved, I will forfeit my head. I deſire that my Boxes and Cabinets may be opened, and my Papers viewed, and I will ſubmit to his Majeſty's pleaſure.

Colonel *Birch.*] I am not fond of Oaths and Proteſtations; but when *Montagu* tells you "his head ſhall go for it, if ever he was in the Abbé's houſe," he has ſaid enough. Let the King enquire into it, if he pleaſes.

The whole thing went off without any farther Queſtion.

[An Addreſs was ordered to be made to his Majeſty, to deſire him to have a greater regard and care to the ſafety and preſervation of his perſon.]

[In the Afternoon Sir *Henry Capel* reported, That he had attended the Lords with the Articles of Impeachment againſt the Lord Treaſurer; and had delivered the ſame into the hands of the Lord Chancellor.]

[Adjourned to]

Thurſday, December 26.

Sir *John Trevor* reported from *Newgate* the Examination of Mr *Prance*, concerning the murder of Sir *Edmundbury Godfrey* *; and added: There were ſome particulars in *Prance*'s confeſſion †, which the Committee thought not for the ſervice of the Houſe to report, becauſe they related to the Lords in the *Tower*.

* The Committee of Secrecy had been ordered to examine him the day before.

† *Prance* was a goldſmith, who wrought for the Queen's Chapel, and the ſubſtance of his depoſition was, "That *Berry* (the Porter of *Somerſet-Houſe*,) *Green*, (Cuſhion-man to the Chapel,) *Gerrard* and *Kelly*, (two *Iriſh* Prieſts,) and *Hill*, (ſervant to Dr *Godden*, who was Treaſurer of the Chapel, and the moſt celebrated writer among the Papiſts) wheedled Sir *Edmundbury Godfrey* into *Somerſet-Houſe*, *October* 12, about nine at night, under pretence of appeaſing a quarrel; where, near the Queen's ſtables, they ſuddenly threw him down, and ſtrangled him with a handkerchief. That afterwards the body was carried into Dr *Godden*'s lodgings, (where *Hill* lived) and after having been moved backwards and forwards into other rooms, above four days and nights, was carried out in a ſedan, *October* 16, about twelve at night, and left in a ditch near *Primroſe-Hill*, with his ſword run through him by *Gerrard* himſelf, that he might be ſuppoſed to have been his own murderer." This was in a great meaſure confirmed by *Bedlow*, and on their evidence *Green* and *Hill* were condemned, and executed *February* 21, as was *Berry*, *May* 28. They all three inſiſted on their innocence to the laſt.

The next buſineſs of the Committee was to take thoſe five men whom *Prance* accuſed. *(See the Note.)* Serjeant *Stringer* and myſelf went to Mr Secretary *Williamſon* for a Warrant to take them, and he very readily gave us a general Warrant. Then we deſired the Captain of the Guard, Captain *Tufton*, to let us have two files of muſketeers, in aſſiſtance of the Conſtable and Watch. Between one and two o'clock in the morning we met ſome Conſtables in *Durham-yard*, and we went to the *Venetian* Ambaſſador's houſe. The Ambaſſador looked out of the window, and aſked, "what was the matter?" He ſaid, "it was the *Venetian* Ambaſſador's houſe, and we ought to take notice of it; it was a violation of an Ambaſſador's houſe." When we ſhowed him our authority, he was extremely reſpectful, and ſaid, "He was an unhappy man, that he had had ſuch a perſon as *Gerrard* in his houſe, but he was gone from him five or ſix weeks before."

Then we went to *Somerſet-Houſe*, where we doubled the Guards. Serjeant *Stringer* and myſelf liked not to be there alone. Then the Conſtable's guards increaſed to thirty. Then the Conſtable knocked at *Berry*'s door; he was loth to come out, but we ſeized him. Then we enquired for *Green*, who lay over the Queen's ſtables, but we were told he was a priſoner in the *Gate-houſe*; but yet we went up to find the *Iriſhman*, (all the galleries over the ſtables were full of Papiſts;) *Neale* and *Penruddock* we ſeized, who were familiar with him; theſe we delivered to the Captain of the Guard, who engaged they ſhould be ſecure till next morning. Then we went to *Stanhope-ſtreet*, and we took *Laurence Hill*, and ſent him to *Newgate*. Then the Serjeant ſent his Warrant to ſecure *Green* in the *Gate-houſe*, leſt he ſhould be delivered by any other Warrant. *Prance* ſaid, "He knew *Neale*, but not *Penruddock*." *Berry* was from *Whitehall* ſent by Warrant to *Newgate*. *Green* is removed to *Newgate*; ſo that none are miſſed but *Gerrard* and *Kelly*. *Berry*, upon his examination, ſaid, "He was as innocent as the child unborn." *Hill* ſaid ſo too, and *Green* was in the ſame ſtory. And Captain *Richardſon* ſaid, "That *Prance*, when he was committed, had the ſame excuſe."

Lord *Oſſory** went with the Serjeant and myſelf over the ſtables, where there was ſuch a crew of odd ſtrange fellows, that any eight or ten men would be afraid to go into thoſe dark en-

* The Earl of *Oſſory* and the Duke of *Monmouth* were appointed by the King to take *Prance*'s information, from place to place where the things were acted, and to report the matter to his Majeſty in Council. *See the Report in* Ralph's *Hiſt.* Vol. II. p. 408.

tries:

tries: They were *Iriſhmen*. Lord *Oſſory* ſent to clear that place of all that were not ſworn ſervants to the Queen, and ſaid, " He would have done you the ſervice of a Conſtable in *Somerſet-Houſe*. And that he would alſo clear all the Houſe of ſuch as are not the Queen's ſervants allowed by the late Act of Parliament."

Sir *William Coventry*.] If any man doubts where the murder of Sir *Edmundbury Godfrey* was committed, he has a hard faith. The Prieſt ſaid, " That the thing was lawful, for the good of the Church;" and if ſo mean a man as Sir *Edmundbury Godfrey*, in compariſon of the King, " for the good of their Church," all this is a confirmation to me of the deſign to murder the King. I wiſh it were as eaſy for us to preſerve the King's Perſon, as to believe that he is in danger. All the uſe we can make of this, is, to be the more earneſt and zealous to preſerve the King's Perſon, and to take a courſe with theſe ſort of perſons. This is the great fruit of your ſecret Committee; and I would have thoſe Gentlemen inform my Lord Chief Juſtice of the matter, that theſe men may be brought to ſpeedy juſtice.

Serjeant *Stringer*.] It has been told you, " That theſe men deny all things they are accuſed of." No time has been loſt—The perſons have been examined this morning. The Committee know all the perſons. They have Evidence given them of four *Iriſh* ruffians, that ſhould have killed the King at *Windſor*; and I am ſure four *Iriſh* ruffians killed Sir *Edmundbury Godfrey*. One of the four ruffians went to *Windſor*, though he ſays, " He went for liberty only to lie in *Somerſet-Houſe*." Three perſons have been condemned for the Plot*; but how they come to be reprieved, I know not. I am ſure, againſt *Ireland*, *Fenwick*†, and *Grove*, this perſon has given great Evidence.

Sir *Robert Sawyer*.] I move to know, why the Re-

* *Ireland*, *Grove*, and *Pickering*, who were condemned *December* 17. The two firſt were executed *January* 24, but the laſt not till *May* 9.

† *Fenwick* was not tryed till *June* 13, when he was condemned, and executed the 20th.

corder of *London* does not iſſue out his Warrant for their execution.

Sir *Thomas Littleton.*] I cloſe with that Motion. It was at firſt pretended, that Mr *Oates* and Mr *Bedlow* were ſet on, but *Prance* is a Witneſs of another kind. This Report made you is of two ſorts; the one, examinations from *Newgate*; and the other, an account of his own tranſactions. This is not by Order of the Committee—The military power was called in aid of the civil. I am ſorry they were ſo. I would not ſtand in need of Guards. I do not condemn it, but am willing for this time to excuſe it. There were ways, before Guards were known, to ſearch the King's Houſes without help of the Guards. We that were ſo cautious of an Army and Guards, in our Act! I would have nothing of this entered upon your Books, nor copies given out of the Report. I deſire to forget it, and have it buried in oblivion. The moſt decent way, and, I hope, the moſt effectual, will be to ſend to the Recorder, to know why theſe perſons are not executed, and he will give you an account of it.

Sir *John Trevor.*] The account I gave you of the Guards is no part of the Report. But it was the ſenſe of the Committee that I ſhould tell you of it. I would know, whether *Littleton* would have gone to *Somerſet-Houſe* with Conſtables only and club-men, and there was a whole company of foot in arms. I would know whether you would not have blamed us, if thoſe perſons we took had eſcaped. I would have it entered upon your Books, "That the Guards were in aſſiſtance of the Conſtables." We were reſolved, if the Trained Bands had been up, to have called them to our aſſiſtance; but what a hubbub would that have made in their paſſage by *Whitehall*, they being then upon guard in *St Margaret's* Church-yard?

Serjeant *Maynard.*] As for ſearching the Ambaſſador's houſe, you would hardly have found a Conſtable to do that. Nothing was done in this, but what was neceſſary:

And

And if it had not been done, the men had never been taken. There have been great providences of God in theſe diſcoveries, beyond all the means (I know) that have been uſed. It has not been our diligence, but God's mercy, and let him be praiſed for it! There is full evidence againſt *Grove*, as to other matter. God has helped us, and I hope he will do ſo ſtill.

Sir *Thomas Littleton.*] *Trevor* ſaid, "In ſuch a caſe, amongſt ſo many *Iriſhmen*, I durſt not have gone without Guards"—I would have gone into *Somerſet-Houſe* with the Queen's Chamberlain as freely as I would come in here. But there was not only *Somerſet-Houſe* to ſearch, and the Ambaſſador's houſe, but *Stanhope-ſtreet*, that blind place. I did not intend, by what I ſaid of the Guards, to interrupt the buſineſs; but I would not have it entered upon your Books. What I ſaid was in as gentle a manner as I could.

Lord *Cavendiſh.*] I would have nothing of this entered upon your Books. And pray let an end be of this Debate.

Sir *Harbottle Grimſtone.*] I think, enough has been ſaid to juſtify the Proceedings of your Committee, and they have my hearty thanks for what they have done. Now it is moved, "That we ſhould ſend to the Recorder of *London* to know why Warrants are not ſent for executing the condemned perſons." If there be no Reprieve ſent to the Keeper of *Newgate*, I would not ſend to know why they are not executed; but I would ſend for him to attend the Houſe.

Mr *Williams.*] I believe there is no fault in the Recorder, but in another place. Pray ſend for him and hear him.

[*Ordered*, That the Recorder of *London* do attend this Houſe to-morrow morning, and give an account why he does not iſſue out Warrants for executing the three perſons that were lately condemned for High Treaſon.]

Information was given to the Houſe, "That Lady *Anne Cholmondeley** was invited to the Duke of *Norfolk*'s houſe to dinner

* Wife of Sir *Hugh Cholmondeley*, and ſiſter to the Earl of *Northampton*, and the Biſhop of *London*.

that

that day Sir *Edmundbury Godfrey* was murdered, and found the family in ſome diſorder; and, nobody coming to entertain her, ſhe went away."

Sir *Francis Compton* †.] I believe there is a miſtake in my ſiſter's being there that day. All know our family to be Proteſtant, and I believe my ſiſter would not conceal any thing ſhe knew.

Sir *William Coventry*.] I would not diſcountenance any enquiry into this matter. If this Lady, or any of that honourable family, knew any thing worth revealing, they would not conceal it. Therefore if any thing be, let the Committee enquire it, and digeſt it for you.

Ordered, That [the Queen's Vice-Chamberlain, and] ſuch Members of the Houſe as are Officers of the Green-Cloth, do give an account what Papiſts, or reputed Papiſts, ſhelter themſelves in *Whitehall*, *St James*'s, *Somerſet-Houſe*, or any other of the King's Houſes.

Friday, December 27.

The Recorder of *London* attending without, and being called in to the Bar, the Speaker told him the cauſe he was ſent for.

Mr Recorder.] I hope I am not ſo unfortunate in the opinion of this Houſe, as to be thought to neglect my duty in giving Judgment upon the Traytors found guilty. I did ſignify to the King, "That they were found guilty," and deſired to know his commands *. When I have the King's command by his Warrant, I ſhall not be afraid to put that Warrant in execution, and hang them all. *He withdrew*.

Mr *Powle*.] I am not well ſatisfied with what the Recorder has ſaid. The King having ſent no Meſſage, the Recorder might have waited on the King again, for a Warrant, to have known his pleaſure—The thing may elſe hang to perpetuity.

† Fourth brother to the Earl of *Northampton*, &c. and diſtinguiſhed (like his father and brothers) in the Civil Wars. He was afterwards Lieutenant General of Horſe, and Lieutenant Colonel of the Royal regiment of Horſe-guards, in which poſts he died in 1716, in the 87th year of his age, the oldeſt Field Officer in *Great Britain*. *Collins*'s *Peerage*.

* The Journal ſays, "That his Majeſty was pleaſed to make this Anſwer, "That he would conſider of it; and that he ſhould ſuſpend execution for ſome time."

Sir

Sir *Thomas Littleton.*] When there is a ſtop of execution of Judgment, it muſt be by the Great Seal. Upon verbal conference, a ſtop of execution of Judgment is not juſtifiable.

The Speaker.] Pray ſatisfy yourſelves, whether the Warrant for execution muſt be from the King, or is from the Recorder.

Sir *Thomas Bludworth.*] The cuſtom of the *Old Bailey* is, that the King's Order is always for execution.

Mr *Sacheverell.*] This is a ſtrange point in queſtion. He that has power to condemn, has power to give Warrant for execution, all *England* over.

Sir *Thomas Lee.*] I would be fully informed whether it is the cuſtom of that Court. I believe no execution is done by the King's Warrant.

The Speaker *to the Recorder.*] There ariſes ſome doubt whether it is uſual in that Court to reſpite execution, till there be a Warrant from the King for execution.

Mr Recorder.] When the priſoners have received Judgment, the perſons who have had benefit of Clergy, and ſuch as are found guilty, are brought to the King in a paper. Then I wait upon the King with it, and the King, by word of mouth only, declares his pleaſure, "That he will have ſuch and ſuch perſons executed, ſuch tranſported, and ſuch pardoned." Then the Recorder gives order accordingly. The King's word is his Warrant in this.

Sir *Robert Sawyer.*] I move that the Recorder may declare to you, whether he has waited on the King for directions. If he has done that, he has done his part. If not, then give him directions to attend the King.

Sir *Charles Harbord.*] This is not a common caſe, but the caſe of the Kingdom. I would have the Recorder acquaint the King.

Mr *Stanhope.*] I am much troubled at this Debate. Here are men condemned for conſpiring to murder the King, and execution is ſtopped and reſpited. It is ſaid about town, "That the priſoners have had foul play, and that their Evidence was not heard." But if I am not miſtaken, eight Judges ſat at their Tryal, and ſeveral

veral Juſtices of the Peace, and they ſay, "They never heard a more clear Evidence, than was given againſt the priſoners." But it is ſaid here by a Member *, "That there is an inſtrument under the Seal of *St Omer*'s College to certify their being there at that time, &c." I am as little for ſhedding blood, as any man; but this is ſhedding blood, to defer this execution. I expect every minute that ſome miſchief will befall the King, but I hope every *Engliſhman* will die upon the ſpot to revenge that blood.

Sir *Thomas Lee.*] I obſerve that, in all perſonal things, every thing that is amiſs comes home to the King—This is an improper way of debating. The proper Queſtion is, "Whether the Recorder has done his duty?" The ſtop is from him, and him only. This puts me in mind of ſomething that fell from Mr *Oates*. He told you, "*Grove*, no doubt, ſhould be pardoned by the Pope for killing the King." I know not but Mr Recorder will pardon him, if the Recorder can reprieve condemned men at this rate. When I ſee a Reprieve under the King's hand, I ſhall believe it, and not before. I am not for addreſſing the King in this matter, ſeeing that we had ſo ill ſucceſs in the laſt we made for his ſafety †, ſince we have no appointment of acceſs to him about it. The Queſtion is, "Whether the Recorder has done his duty?"

Mr *Prodgers.*] It is an obſerved method, when the Recorder waits on the King with an account of ſuch names of the priſoners as are condemned, and have had Clergy, the King orders which he will have executed. I do not believe that the Recorder is in any fault.

Mr *Palmes.*] It is pretty evident, that there has been a delay of Juſtice ſomewhere; and a delay in the Recorder. If it be thus difficult to bring traytors to execution, I fear this is done by ſome great intereſt; it may be to do what theſe men are condemned for. Twenty days have now paſſed ‡ ſince they were condemned, and no

* *Birkenhead.* † See p. 389.
‡ This is a miſtake, as they were condemned the 17th.

duty

duty done by the Recorder. The King has ſignified no pleaſure, and the Recorder has not done his duty. The default is in the King's Officers; puniſh them for their fault, and trouble not the King with Addreſſes. I think the Recorder is in fault.

Sir *William Coventry.*] The Law has ſo provided, that ſeverities may be done without the King, but mercies not. As I apprehend the Recorder, he expects a verbal command from the King, and the King has ſome little time to conſider. Uſually the practice is, that the King is informed by the Judges, where the crime ſeems ſmall, and yet the Law has reached it; and where the parties are penitent, or there is a diſcovery, and that is an inducement to the King to pardon or reprieve; but what I apprehended was an extrajudicial way. But if affidavits ſhould be received againſt the Court, after hearing and Tryal over, that would be a ſtrange thing; if ſo, that is a preparation to ſave other delinquents, under the ſame predicament; and ſhould be looked upon with thoſe eyes. I would be unwilling to thruſt myſelf into matters of blood. I would ſtay a little longer to conſider this—I would adjourn this Debate to *Monday.*

* * * * * *] I do not ſo much value the Reprimand to the Recorder; but this delay of execution ſeems to put a baffle upon the Evidence, as not ſufficient.

Sir *Thomas Littleton.*] I think the Recorder has not performed his duty, for it is in his power to cauſe execution to be done. And I would have that the Queſtion.

Sir Richard Temple *proffering to ſpeak, Sir* Thomas Littleton *ſaid,*] He has had the leave of the Houſe to go into the country *; and it is an abſurd thing to have leave upon the Journal, and not to go.

Sir *Thomas Clarges.*] For *Temple* to tell you, "That his mother is dying," and to aſk your leave to go into the country!—He ought not to ſit here till that Order be

* It appears by the Journal, that Sir *Richard Temple* had leave to go into the country on the 23d.

reſcinded.

reſcinded. All things ought to be moved here with the gravity that becomes this place. I move that he may withdraw till the Order be reſcinded.

Sir *Richard Temple.*] I never heard that leave was a command to go. I told you, "I ſent my wife into the country to my mother, but as ſhe was well, ſhe returned again." The Motion from *Littleton* is a merry Motion, a *Chriſtmas* Motion.

Mr *Swynfin.*] Whether the Recorder has done his duty, or is the occaſion of the delay of execution,—if that Queſtion ſhould be put and paſſed, "That he has done his duty," it will confirm the delay of the execution. The Houſe is ſufficiently poſſeſſed of the thing. If you put the Queſtion on his duty, and it be carried in the affirmative, it is the greateſt blow to it that you could give. But this Debate may have good effect, the Queſtion not.

Mr *Powle.*] I have reſpect for the Recorder; but by no means can he juſtify this extraordinary jail-delivery. Theſe perſons to be condemned by him, and he in nine or ten days never go to the King to know his pleaſure about their execution!—This has already bred diſcontent in the Nation. Thoſe that are the King's Officers put it from themſelves, and lay it on the King—Other men muſt not lay their faults on the King. I believe, ſome great means have been uſed in this matter, and if you adjourn this Debate till *Monday*, you may adjourn it again to another time, and have the delays repeated.

Lord *Cavendiſh.*] If you adjourn this Debate a ſecond time, it may be of very ill conſequence. I will not ſay the deſign was to weaken the Witneſſes, but I am ſure the conſequence of it is ſo. If you do not adjourn the Debate, at leaſt direct the Recorder to apply to the King for direction, to know his pleaſure, when theſe men ſhall be executed.

Mr *Boſcawen.*] To ſend the Recorder to the King, &c. I never heard of that before. I would adjourn the Debate to *Monday*, and if execution be not done, at the Recorder's

corder's peril. The thing is a ſad proſpect; but to be unanimous, I would adjourn to *Monday*.

Sir *Thomas Clarges*.] Any thing of ſlackneſs in this matter will extremely animate the Papiſts. If there be ſlackneſs in the execution of theſe perſons, who ſhould have murdered the King, they will ſurely imagine it will be to the reſt of the priſoners. It will ſatisfy the Nation, that we give no encouragement to things of this nature.

Sir *Henry Capel*.] I would not give this thing the aſſiſtance of this Houſe, till the utmoſt extremity. Your ſenſe is ſufficiently known, and I would adjourn the Debate.

Sir *Thomas Lee*.] If you adjourn to *Monday*, the World will ſay that to this day you are ſatisfied with the Recorder—And then you will have new matter to examine. If Gentlemen do deſire it, let us take the blame of it abroad upon us.

The farther Debate was adjourned to *Monday* [on a diviſion, 184 to 112: But the Prorogation prevented its being reſumed.]

Saturday, December 28.

On the Lords refuſing to ſequeſter the Earl of *Danby* from Parliament, &c.

Lord *Cavendiſh*.] The late Duke of *Buckingham* was impeached by the Commons of High Crimes and Miſdemeanors, and not of Treaſon, yet the Commons deſired him to be ſequeſtered from Parliament. I believe that Juſtice will not be done upon thoſe Lords in the Plot, if the Lords proceed not againſt this Lord who has concealed the Plot ſo long.

Mr *Powle*.] The Queſtion is, Whether you will take this matter, of not ſequeſtering the Earl of *Danby* from Parliament, into conſideration, the Army being ſo near the time of diſbanding? I take not the Lords Reaſons to be ſo cogent, but that they may, with ſome ſhort conſideration, be anſwered. And then I ſhall concur with Lord *Cavendiſh*'s Motion.

Sir

Sir *Thomas Lee.*] This caſe is the whole method of Impeachment for the future—You know what became of the Earl of *Clarendon*'s caſe. The Lords would not commit him to cuſtody, and he went away, and you were forced to ſend an Act of Parliament after him.

Mr Sollicitor *Winnington.*] I propoſe to the conſideration of the Houſe, (with all correction and ſubmiſſion) whether this is not a diſtinct method of proceeding from other Courts. This is a Court of Record, and I have ſeen the Lords Entry, which any man may take out. And therefore it is a proper time to proceed in it now.

Sir *John Mallet.*] The Plea to a *Capias* muſt be, that he is in cuſtody, and in the eye of the Law he is a Traytor till he has purged himſelf by Plea or Demurrer—and be in cuſtody. He is near the Perſon of the King, and the not ſecuring him will be a ſtrange Precedent to other Traytors. I believe the Houſe will prove this Treaſon, and, in the Judgment of the Law, he is a Traytor till he has purged himſelf.

Mr *Bennet.*] The Treaſurer, accuſed of Treaſon, *non ſolum vivit, ſed in Senatum venit.* This Conference with the Lords will put off this Debate till next day.

[A free Conference with the Lords was deſired, and agreed to.]

Monday, December 30.

His Majeſty, in the Houſe of Lords, ſpoke as follows to both Houſes:

"*My Lords and Gentlemen,*

"It is with great unwillingneſs that I come this day to tell you, I intend to prorogue you. I think all of you are witneſſes that I have been ill uſed; the particulars of it I intend to acquaint you with at a more convenient time. In the mean time, I do aſſure you, that I will immediately enter upon the diſbanding of the Army, and let all the World ſee, that there is nothing that I intend but for the good of the Kingdom, and for the ſafety of Religion. I will likewiſe proſecute this Plot, and find out who are the inſtruments in it: And I ſhall take all the care which lies in my power, for the ſecurity of Religion, and the maintenance of it, as it is now eſtabliſhed. I have no more

to

to ſay to you at this time, but leave the reſt to my Lord Chancellor to prorogue you *."

Then the Lord Chancellor ſaid,

" His Majeſty hath commanded this Parliament to be prorogued to the 4th of *February* next, and this Parliament is accordingly prorogued to the 4th of *February* next †."

It was diſſolved by Proclamation *January* 24 ‡. And in the ſame Proclamation notice was given of his Majeſty's intentions of calling another Parliament to meet the 6th of *March* following.

So ended this Long Parliament, [which had continued almoſt eighteen years, and was] the longeſt that ever had been before.

* This Speech is not inſerted in the Journal.

† Immediately after the Prorogation, Mr Secretary *Williamſon* reſigned the Seals, which were delivered by the King to the Earl of *Sunderland*, though he had given hopes of the place to Sir *William Temple*, then Ambaſſador in *Holland*, and had called him over for that purpoſe. But *Temple*, at his arrival, found the poſt filled, the Earl of *Sunderland* having paid *Williamſon* 6000 *l.* and 500 guineas, which *Temple* was not able or willing to give. Shortly after, the King diſmiſſed the Earl of *Danby*, and put the Treaſury into Commiſſion. *Rapin.*

Sir *William Temple*, in his *Memoirs*, contradicts what *Rapin* aſſerts: He ſays, " That the King ſent for him over from the *Hague*, where he was Ambaſſador, to take poſſeſſion of the office of Secretary of State in the room of Secretary *Coventry*; but on his arrival he declined the accepting it, though greatly preſſed by the King, repreſenting to his Majeſty how neceſſary it was for him to have one of the Secretaries in the Houſe of Commons, (where it had been uſual to have them both) and that conſequently it was very unfit for him to enter upon that Office before he got into the Houſe, which was attempted, and failed."

‡ Some think this Parliament was diſſolved, on purpoſe to protect the Popiſh Lords in the *Tower*, and divert, if poſſible, the noiſe of the Popiſh Plot; or elſe to cover the Duke of *York* from the reſentment of the Commons, and the general indignation of the people. *Kennet.*

Debates in the Houſe of Commons,

From the Year 1667 *to the Year* 1694.

Thurſday, March 6, 1678 *,

THIS Parliament began; when his Majeſty delivered himſelf to both Houſes, to the following effect:

" That he met them with the moſt earneſt deſire that man could have, to unite the minds of all his ſubjects both to him and to one another: That he reſolved it ſhould be their faults, if the ſucceſs was not ſuitable to his deſires: That he had already done many great things to that end; as the excluſion of the Popiſh Lords from their ſeat in Parliament, and the execution of ſeveral men, both for the Plot and *Godfrey*'s murder: That it was apparent that he had not been idle in proſecuting the diſcovery of both: That he had diſbanded as much of the Army as he could get Money to do: That he was ready to diſband the reſt as ſoon as they would reimburſe him the Money they had coſt, and would enable him to pay off the remainder: That above all, he had commanded his brother to abſent himſelf †, becauſe he would not leave malicious men room to ſay, he had not removed all cauſes which could be pretended to influence him towards Popiſh Counſels: By which laſt great ſtep, he propoſed to diſcern whether the Proteſtant Religion and the Peace of the Kingdom were as truly intended by others as they were aimed at by him: " For if they be," continued his Majeſty, " you will employ your time upon the great concerns of the Nation, and not be drawn to promote private animoſities under pretence of the Public; your proceedings will be calm and peaceable, in order to thoſe good ends I have recommended to you; and you will curb the motions of any unruly ſpirits, which would endeavour to diſturb them." His Majeſty then ſignified a hope, " that there were none ſuch among them, ſince every man muſt ſee the fatal effects of ſuch animoſities at that time, both abroad and at home;" engaged not to give over his endeavours to find out what more of the Plot and murder he could;

* What follows, to the End of this Volume, is erazed in the printed Journal.

† Lord *Danby* perſuaded the King to ſend the Duke beyond ſea, that ſo there might be no colour for ſuſpecting that the Counſels were influenced by him. He was ſent away upon very ſhort warning, and went firſt to *Holland*, and then to *Bruſſels*. *Burnet*.

could; desired the assistance of both Houses in that work, said, "He had not been wanting to put all the present Laws in force against Papists, and declared his readiness to join in the making such farther Laws as might be necessary for securing the Kingdom against Popery; desired also their assistance in the Supplies to disband the Army, as likewise to pay that part of the Fleet, which had been provided for by Parliament, but till the 5th of the preceding *June*, and the debt * for stores, which was occasioned by the Poll-Bill's falling short of the sum which the Parliament gave credit for;" adding, "I must necessarily recommend to you likewise the discharging of those Anticipations which are upon my Revenue, and which I have commanded to be laid before you; and I hope I shall have just cause to desire such an increase of the Revenue itself, as might make it equal to my necessary expences; but by reason of those other Supplies, which are absolutely necessary at this time, I am contented to struggle with that difficulty a while longer, expecting, for the present, only to have those additional duties on the Customs and Excise to be prolonged to me; and that you will some other way make up the loss I sustain by the prohibition of *French* wines and brandy, which turns only to my prejudice, and to the great advantage of the *French*." His Majesty concluded with recommending to them, "That such an establishment ought to be made to the Navy as might render the Kingdom not only safe but formidable," and with signifying, "it was his earnest desire this should be an *healing Parliament*. That he would with his life defend both the Protestant Religion and the Laws; and that he did expect from them to be defended from the calumny, as well as danger, of those worst of men, who endeavoured to render him and his Government odious to his people." What more was thought necessary to be said was left to the Lord Chancellor.

After most of the Members had taken the Oaths of Allegiance and Supremacy before the Lords Commissioners, in the inward Court of Wards, they chose Mr *Edward Seymour* † Speaker, with little or no contest, and he was led to the Chair by Sir *Thomas Lee* and Mr *Hampden*. (*He hung back, and acted his unwillingness very well.*) He then spoke to the House to this effect:

"No satisfaction could be greater to me than the honour thus freely and unanimously to be called to the Chair. And as you

* To the *Eastland* Merchants.

† *Seymour* and Lord *Danby* had fallen into some quarrellings, both being very proud and violent in their tempers. *Seymour*, had in the last Session, struck in with such heat against Popery, that he was become popular upon it. So he managed the matter in this new Parliament that, though the Court named *Meres*, yet he was chosen Speaker. *Burnet*.

have been ſo obliging to me, ſo I will be careful that your favour tend not to the prejudice of your ſervice. My errors are ſo many arguments to excuſe me from this employment, becauſe I ſee ſo many perſons judgments fall into ſuch miſtakes as lead them into errors, by too favourable an opinion of me. I have been maſter of much better health than now I enjoy, ſo that I cannot attend your ſervice as I ought. Theſe conſiderations, I hope, will induce you to proceed to another choice, that your ſervice may be better performed. Dangers threaten Religion and the State by the horrid Plot. Do not gratify your enemies by ſtumbling at the threſhold, in your choice of me. But ſince you are pleaſed to ſequeſter your judgments, in this choice, give me leave to preſent my excuſe to the King, and I hope the King will have no cauſe to diſagree with you in any thing but your choice of me."

Friday, December 27.

The Speaker thus choſen, the Commons went up to the Lords Bar to preſent him to his Majeſty, where Mr *Seymour* ſpoke to this effect:

"May it pleaſe your Majeſty, The Knights, Citizens, and Burgeſſes, in Parliament aſſembled, in obedience to your Majeſty's command, have made choice of a Speaker, and have unanimouſly choſen me: And now I am come hither for your Majeſty's Approbation, which if your Majeſty pleaſe to grant, I ſhall do them and you the beſt ſervice I can."

The Lord Chancellor's Anſwer:

"Mr *Seymour*, The approbation which is given by his Majeſty to the choice of a Speaker, would not be thought ſuch a favour as it is and ought to be received, if his Majeſty were not at liberty to deny as well as to grant it. It is an eſſential Prerogative of the King to refuſe, as well as approve of, a Speaker. This is a matter which by miſtake may be liable to miſinterpretation, as if the King did diſlike the perſons that choſe, or the perſon choſen. As to the firſt, there can be no doubt. They are old Repreſentatives of his people, whom he hath a deſire to meet; and there can be no doubt of the latter; nor has his Majeſty any reaſon to diſlike you, having had great experience of your ability and ſervice. But the King is the beſt judge of men and things. He knows when and where to employ. He thinks fit to reſerve you for other ſervice, and to eaſe you of this. It is his Majeſty's pleaſure to diſcharge this choice; and accordingly, by his Majeſty's command, I do diſcharge you of this place you are choſen for; and in his Majeſty's name command the Houſe of Commons

Commons to make another choice, and command them to attend here to-morrow at eleven o'clock *."

The Commons then came back to their Houſe; where

Sir *John Ernly* ſaid,] I ſhall propoſe a Gentleman of experience, and without exception, Sir *Robert Meres* (*by a miſtake for Sir* Thomas.)

Mr *Sacheverell.*] I take it to be a great misfortune, that, after a Houſe had made choice of a Speaker, the King, by any information, to promote and carry on the deſigns of particular perſons, ſhould gratify them, rather than this Houſe in their choice of *Seymour*, &c. And I am the rather induced to believe it, becauſe no exceptions have been made againſt *Seymour* in the Chancellor's Speech. But if it be proved that the King has always granted, and never denied the choice, I ſuppoſe the thing will be given up. There is but one Precedent of the King's denial, and that was in the caſe of *Thorp*. It is ſtrange that this Houſe muſt be made a ſecond. I ſee many worthy faces that were not here the laſt Parliament: And therefore I ſhall ſay, it is very hard, there having, for an hundred years together, never been ſo much as one excuſe made by a Speaker choſen by the Commons, nor one allowance or diſallowance made in Parliament, that it ſhould be ſo now. It was uſually excuſed by compliment, and this Parliament has complimented itſelf out of its Right. But I would not loſe a hair's breadth of the King's Right, nor the ſubjects. They

* Concerning this tranſaction *Ferguſon* writes as follows: "There being a Council that night, and notice coming that Mr *Seymour* was choſen, the Treaſurer perſuaded the King from accepting him, to ſhow his Prerogative-Right of rejecting; ſo that the next day, when the Houſe came to preſent their Speaker, he was rejected; but the Houſe having ſome intimation that he would be rejected, ordered him, or he himſelf reſolved, not to make the common formal apology of inſufficiency, at the Lords Bar, but inſtead thereof he roundly told the King, "That he was unanimouſly choſen, by the ſuffrages of all the Commons of *England*, to be their Speaker; and that he was reſolved to ſerve his Majeſty in that ſtation, to the utmoſt of his power." So that the Chancellor, who had orders to accept of his excuſes, now had not a word to ſay: At laſt, upon deliberating and whiſpering, he recollected himſelf, and told the Houſe, &c. *Growth of Popery, part* ii. *p.* 235.

are enemies to the Nation, that, at this time, throw a bone betwixt the King and us—After all this danger and diſtraction we are are in, muſt this Houſe be made the next Precedent? I would not take the leaſt Right from the King. I move, "that the Clerk may put the Queſtion for adjourning the Houſe till to-morrow," and in the interim the Records may be ſearched for Precedents in this matter, and then we may inform the King how much this manner of proceeding is to his prejudice and yours.

Mr *Williams.*] This is now a Queſtion of Right. I am ſorry that our time, at the beginning of a Seſſion, ſhould be thus loſt, by the ſtarting this Queſtion. Here is a worthy perſon named, Sir *Thomas Meres*, and we named and preſented to the King a worthy one too. The Commons have been without a Speaker, nor was their having a Speaker originally from the Crown, but by the Commons—Till *Hen.* IV's time, not one Precedent of preſenting a Speaker, &c. The Chancellor tells us, "That the King's favour may not turn to his prejudice, &c." This being put to a Queſtion of Right, we muſt ſtand upon our Right. There is no Reaſon from the Electors or the Elected, why he ſhould be rejected; therefore I adhere to Mr *Seymour*.

Sir *Thomas Clarges.*] I deſire to inform the Houſe, becauſe there are a great many new Members that were not of the laſt Parliament; that we have power of adjourning ourſelves by the Clerk—In time of ſickneſs of the Speaker, it has been done from day to day. Gentlemen, our lives and liberties are preſerved by this Houſe, and the Privileges of it are inheritable to us. I muſt inform you, that Mr *Seymour* attended the King yeſterday, and he acquainted his Majeſty with the unanimous choice of him to be Speaker, "and that he hoped to have the King's good liking." The King ſaid, "He liked very well the choice."—If ſo, this alteration of the King's mind muſt be from evil-diſpoſed people about the King, who would create diſcontent between the King and his people. The King ſaid once, "He would have no favourites but the Commons of *England.*" If you will

not

not think fit to cauſe Mr *Seymour* to declare what the King ſaid to him, I acquieſce. But I move that you will adjourn.

Mr *Garroway*.] I am one that have ſat here long, and have ſeen great Miſcarriages, Prorogations, and Diſſolutions. I am not afraid of it now, and I hope no man elſe here is afraid of it. I would not give the King offence, but not part with one hair of our Right. If you will not ſtand to it here, you will have a great many things put upon you. I am ſatisfied that we could not fix upon a fitter perſon for Speaker than Mr *Seymour*; he is a Privy Counſellor, Treaſurer of the Navy, and has done the King very good ſervice here, which makes me wonder he ſhould not be approved of by the King. I thought we could not have obliged the King more. The King ſaid, "He would have no favourite but his people"—And thus to have your Speaker rejected, what will you think of it! Pray, Gentlemen, let us ſleep upon it, and let the Clerk put the Queſtion for adjourning till to-morrow.

Sir *Thomas Lee*.] I ſee it is the univerſal opinion to adjourn, &c. therefore I ſhall ſay but a little. The laſt Parliament, a little before the Prorogation, information was given the Houſe of the danger of the King's Perſon, and the Houſe addreſſed the King, "To have a care of his Perſon, &c." The Anſwer was, "The King was then buſy, but we ſhould have an account of our Meſſage;" but for three weeks we heard nothing, and we were prorogued. I take notice only how things grow by degrees. We came up to this Parliament with great joy, and expectation of doing good, and now we are thus interrupted! This being our condition, and we having Precedents plain in the caſe for us, I would adjourn till to-morrow, and then make a Repreſentation of the thing to the King.

Colonel *Birch*.] I am heartily ſorry this has happened. This is an unlucky ſtumble at the threſhold, before we get into the Houſe. I came hither with an intention (God is my witneſs) to make this "a healing Parliament." I have always heard here, that it is the undoubted Right of

this Houſe to chuſe their Speaker, &c. I have reaſon to believe Mr *Seymour* very proper for the employment, and that he would be acceptable to his Majeſty; but he that did this with the King may do more. I would adjourn till to-morrow, and make a Repreſentation of our Right to the King.

Mr *Powle.*] This gives me apprehenſion that there is ſome perſon too near the King, who is afraid of this Parliament. I have obſerved that, of late, thoſe things of the greateſt moment are done without any Council at all; done in a corner. As for the Prorogation and the Diſſolution of the laſt Parliament, there was not one word of the advice of the Privy Council in it. I fear no advice was aſked, but given for ſupporting the deſigns of private men. I have ever taken the Record to be, that no man was ever refuſed being Speaker when preſented to the King, but for ſome diſability of body; as in Sir *John Popham*'s caſe, who deſired to be excuſed from that ſervice by reaſon of diſability of body from wounds he had received in the wars, 28 *Hen.* VI. And lately Sir *Job Charlton*, not being able to endure the employment, by reaſon of diſability of body—But nothing of this can be objected againſt Mr *Seymour*. Muſt any private perſon inform the King of his unfitneſs, &c. without any cauſe aſſigned? I know not what may come of it. Corruption, in the former Parliament, was complained of for private malice, but I doubt not but Gentlemen come to this with clear thoughts. I do proteſt before God, that I think the greatneſs of the Nation is under the Privileges of this Houſe. A people can never heartily ſupport that Government that does not protect them—A ſlaviſh people can never heartily ſupport the Government. Thoſe that come after us here, if we are diſſolved upon this point, will ſpeak the ſame language—I fear not Diſſolution. Let us adjourn till to-morrow morning, and conſult our own hearts what is fit to be done.

Then the Clerk put the Queſtion for adjourning, &c.

Saturday,

Saturday, March 8.

Sir *Thomas Lee.*] It is now eleven of the clock, and it is neceſſary we propoſe what to do before the Black Rod comes; whether you will do ſomething previous; whether you will acquaint the King what we ſuffer for want of a Speaker; or whether you will propoſe ſomebody to ſay ſomething at the Lords Bar to the King? I move you to conſider which you will do.

Sir *Harbottle Grimſtone.*] I ſecond that Gentleman that ſpoke laſt. Two things he propoſed; Whether to ſend to the King to repreſent what we ſuffer for want of a Speaker; or whether you will propoſe ſomebody to ſay ſomething to the King at the Lords Bar, when the Black Rod comes to call us up? Some of the Long Robe, I believe, have taken pains to ſearch for Precedents. My eyes are not good, and I am infirm, and not able to ſearch. But thus much I ſhall ſay to the rational part. The Queſtion is, Whether the King's approbation of a Speaker is the ſubſtance and eſſence of the matter? For my part I never took it to be ſo. When you wait upon the King with your Speaker, he is your Speaker ſo ſoon as you have choſen him, and you may lay the Mace upon the Table. When you go up with the Speaker to the Lords Houſe, you go up to tell the King, that, according to his direction, you have choſen a Speaker. It has been a thing of courſe to give the King notice of the perſon you have choſen, that he may know him; and we ſtand by, and give the Speaker leave modeſtly to deny, and exerciſe his oratory. If the King's approbation muſt be the eſſence of your choice, if you part with this, you part with all. Shall we not have the liberty to chuſe our own ſervant, fit to do our own work? Other people would deſtroy our work, if we part with that which muſt enable us to do the work of them that truſted us and ſent us hither. If any one man may be impoſed upon us, who will not do our work, it may be he will put what queſtion he pleaſes, and tire you out—This I have ſeen done. I would aſk any man, who has influence upon this

this action, now we have choſen a Speaker, that he ſhould be refuſed? Whoever broke the laſt Parliament, without the deſire of this Houſe, or the advice of the Privy Council, that man or men, that broke that Parliament, will break this too, to the utter undoing of the Nation. Our time is ſhort, if you pleaſe to think of it. If *Seymour* be not in the Lords Houſe (as it is ſaid he is) or if he be in the country; if the perſon be in the country and not here, that we ſhall chooſe, then let us ſet up another to rule for him till he comes, as in the abſence of a Knight of the Shire that is choſen. Mr *Seymour* is a perſon of great experience for the place, and he is the fitteſt to go on where you left off; but he being not here, let ſomebody ſit in his Chair to repreſent his perſon, till he comes. And then we will offer our Reaſons to the King, why we cannot recede from our firſt Election of Mr *Seymour* for our Speaker.

Sir *Thomas Clarges.*] I was glad yeſterday to find that moderation in this great matter. Though we were then ſatisfied in our Right, yet, by this night's conſideration, Gentlemen have looked over Precedents—But though one of the Long Robe be more proper for Speaker, yet there are Precedents of others that have been in that place. I find anciently that the Commons have choſen their Speaker without preſenting him to the King for approbation. Some have made excuſes to the King, and ſome none (1 *Hen.* IV.) and in 7 *Hen.* VIII. he was preſented before the ordinary Privileges were aſked, viz. of Acceſs to the King's Perſon, Liberty of Speech, &c. But it is notorious that all theſe things were our birthrights before. But if this Argument be uſed againſt our Right, becauſe, in reſpect to the King, we make a formality of the King's Approbation, all our Rights will fall with that. This matter before us is that which all the Commons of *England* have a Right to, and I hope we ſhall not impair thoſe Rights that they have entruſted to us. *R.* II. Sir *John Cheyney* was choſen Speaker, and went up to the King, &c. to be confirmed. The next day he fell ſick, and deſired the Houſe to chuſe another, and they choſe

choſe *Dorwood*, and notified it to the King that they had choſen him. *Popham* was choſen 28 *Hen.* VI. (a troubleſome time.) He was ſick and unable to perform the office, and the Commons had leave granted to chuſe another. But there are upon Record many Speakers that have been choſen, and were ready to ſerve, without making any excuſe. It is a ſtrange thing that we ſhould hear nothing of this for two hundred years, and now the Kingdom is in danger, that this Parliament ſhould have an interruption. I hope that, in the conſideration of this matter, we ſhall take ſuch ſteps as are worthy of the great truſt repoſed in us.

Mr *Sacheverell.*] This matter is of great importance, and therefore we ought to take wary ſteps in it to the King, that thoſe who adviſed him to this, may have no colour againſt us. The firſt Queſtion ſtands thus, "Whether a Speaker choſen ſtands good to the ſervice of the Houſe, before he has the King's approbation?" The ſecond Queſtion is, "If the King can reject a Speaker, choſen by the Houſe, and qualified?" If that be ſo, there is an end of your buſineſs. 1ſt King *James*, after Sir *Robert Philips* was choſen Speaker by the Commons, he ſent out Warrants for Writs, as Speaker, without the King's Approbation of him; and I can tell many more Precedents—But perhaps we may have Papers pinned upon our backs, as the former Parliament had, and be ſent home. I move, that we may have ſome Perſons nominated, of eminence about the King (though not Privy Councellors, for they have not the ſole Privilege of carrying our Meſſages) humbly to acquaint the King, "That the matter delivered by my Lord Chancellor, in his name, is of ſo great importance, that we deſire ſome farther time to conſider of it:" And then, no doubt, but we ſhall acquit ourſelves as we ought to do. I move this way, becauſe it ſhould not be ſaid that we come to a haſty Reſolution in ſo important a matter. I move that Sir *Robert Carr*, the Chancellor of the Dutchy, may go with the Meſſage to the King; and I doubt not but we ſhall make out our Rights with all duty to the King.

Sir

Sir *Robert Carr.*] I humbly move you, that the Privy Counſellors may carry the Meſſage to the King. I was one, but I am not now. I hope you will diſpenſe with me. There are none of the Council here now, but I ſuppoſe they will be here.

Mr *Sacheverell.*] If you ſtay for the Privy Councellors, the Black Rod will come to call you up, &c. and thoſe Gentlemen of the Privy Council are not here, and then what will become of you? We have ſent thoſe to attend the King formerly who were no Privy Counſellors, and I would have *Carr* for one now.

Mr *Leveſon Gower.*] I would know, whether ever the Houſe made an Addreſs to the King when they had no Speaker? I would have *Sachevereil* inform the Houſe, whether there be any Precedent of that.

Sir *William Portman.*] There is no Precedent of a Speaker preſented to the King by the Houſe, that has been rejected: And let us make a Precedent of addreſſing the King without a Speaker.

Mr *Leveſon Gower.*] I would have any man cite a Precedent, whether ever any Addreſs was made to the King without a Speaker? (*He ſpoke it roughly, and ſeveral younger Gentlemen called aloud*, "To the Bar.")

Mr *Vaughan.*] Something muſt be done; and in this caſe we muſt create a Precedent *primæ impreſſionis*. Was there ever any Precedent that ſo many met together and did nothing? It is fit to make a Precedent, when ſuch a body of men are met together, and do nothing. I move you to make an Addreſs to the King.

Sir *Eliab Harvey.*] Our time is but ſhort, and pray let us not miſpend it. I will name another to go to the King with *Carr*, Lord *Ruſſel.*

Sir *Chriſtopher Muſgrave.*] I conceive your proper Queſtion is, "Whether an Addreſs ſhall be made to the King for ſome longer time, &c.?" And when that is over, then you are to nominate perſons to attend the King; and I ſhall name a third.

Mr *Powle.*] I would have the Queſtion be, "That an application ſhall be made to the King that the Matter delivered

livered by the Lord Chancellor yeſterday is of ſuch great importance relating to the Speaker, that we deſire ſome time to conſider of it."

The Meſſage was this: "That the Matter delivered by the Lord Chancellor yeſterday is of ſuch great importance, that this Houſe cannot immediately come to a Reſolution therein; therefore do humbly deſire that his Majeſty would graciouſly be pleaſed to grant ſome farther time to take the matter into conſideration."

Ordered, That Lord *Ruſſel*, Lord *Cavendiſh*, Sir *Henry Capel*, and Sir *Robert Carr* do attend his Majeſty with this Meſſage.

Mr *Garroway*.] I propoſe this to you; Whether, if the Black Rod comes, we ſhall not go up with this Meſſage ourſelves?

Colonel *Birch*.] I hope this courſe is not taken about our Speaker to make thoſe that ſent us hitherto miſtruſt us. Therefore I deſire, that preſently three or four Gentlemen may be choſen, to draw up an humble Petition to the King, in few words, to repreſent to his Majeſty with what heart we came up to ſerve him and thoſe that choſe us, and in order to that we have choſen a Speaker; and then hope that we may not be made a Precedent of a thing that was never done before, in rejecting our Speaker, that ſo we may go about the buſineſs of the Nation.

Sir *Harbottle Grimſtone*.] I fear that ſuch a Petition to the King, as is propoſed, may grant too much of the point; as that he is not Speaker whom we have choſen, till he be approved of by the King.

Sir *Thomas Lee*.] The thing may be ſo drawn, as that we may not yield the point in the leaſt.

Mr *Broome Whorwood*.] If this be your Right, keep it; if not, give it up. I have ſat long enough here to ſee that our Rights have been attempted, and what is our Right I will never part with.

Colonel *Titus*.] I think you are not ripe for any ſuch Petition, till you have an Anſwer from the King, whether we ſhall have longer time granted to us, or not.

Mr

Mr *Hampden.*] Suppoſe the King makes you no Anſwer. Can you give your Country a better account and Anſwer of what you have done already, than that you were about to make an humble Repreſentation to the King? I know no reaſon why we ſhould not go about it preſently; and that three or four may withdraw to prepare it, let the iſſue be what it will.

Mr *Williams.*] In this you give the King no occaſion of offence. This may poſſibly be called "A Remonſtrance." But I would not vapour with a Petition, and I would give no occaſion of offence.

Sir *Edward Dering.*] If Mr *Seymour* be our Speaker, we may lie under the Penalty of 500*l.* for acting before we are qualified, by taking the Oaths, and ſubſcribing the Teſt, &c. at the Table. I would ſtay this matter moved for, till you have an Anſwer from the King.

Lord *Ruſſel* reports, That, according to command, they have attended the King, and his Majeſty is pleaſed to make this Anſwer to the Meſſage, viz. "I have conſidered your Meſſage, and do conſent to a farther time for you to conſider, till *Tueſday* next: And as I would not have my Prerogative encroached upon, ſo I would not encroach upon your Privilege; if a third perſon cannot be found out for an Expedient in the mean time."

[Debate.]

Serjeant *Streete.*] When the difference was between the Lords and Commons, in the caſe of Sir *SamuelBarnardiſton*, which you laboured under, the King found out an Expepient. That being the caſe, I will preſume to name a third Perſon for Speaker. (*But he was not ſuffered.*)

Mr *Garroway.*] You have had a gracious Anſwer from the King. If in this time we have not leſſened his Prerogative in what we have done, we may conſider farther of it; and as long as the King has given us time, I would conſider of it, and you may conſider of it.

Mr *Williams.*] I wonder that now it ſhould be propoſed to name a third perſon, ſince the King has given you great time for deliberation. If you name a third perſon, you give up your Right. I am as ready for Mr *Powle* (*named by* Streete) as any man; but your Anſwer yeſterday

day from the Chancellor was about rejecting your Speaker by the King's Prerogative. And will you ſit down and give up your Right for a compliment? If ſo, farewell chuſing a Speaker for the future! Mr *Powle* is a Gentleman of great value; but let every man conſider the Right of the Commons of *England*.

Sir *John Knight*.] It is all one, if you name a ſecond or third perſon; it is equally giving up your Right to name a third or a ſecond. Here were two in conteſt, and both were equally named. I move, therefore, that, as the King is pleaſed to give us till *Tueſday* next, to conſider, &c. to chuſe ſome perſon, &c. that we may draw a Petition to the King, to ſet out our Right in chuſing a Speaker.

Mr *Sacheverell*.] I am not for any Queſtion at this time; becauſe many Gentlemen know not what was ſaid by the Chancellor to us yeſterday. In this caſe, I would ſend to ſearch the Lords Books, to know whether a refuſal or diſmiſſing our Speaker is there entered. And as the King has given you time, ſo I would make uſe of it to ſearch the Lords Books for what the King has ſaid by the Chancellor, to ſhape your Anſwer accordingly.

Mr *Williams*.] The very words were, "That the choice of the Commons of their Speaker was diſmiſſed."

Mr *Hampden*.] I went to look into the Lords Journal, and there is no Entry made yet of any thing, but in the Minute-Book only; and what you do muſt be a Debate grounded upon that.

Sir *John Ernly*.] Now you are putting yourſelves in a way to inform yourſelves of the Chancellor's Speech, &c. and now it is ſo freely declared on both ſides, I think it is well moved to adjourn till *Monday*.

So the Houſe adjourned till *Monday*, by the Clerk, as before.

Monday, March 10.

The ſearch of the Lords Journal was reported.

Sir *Tho. Lee*.] I am one of thoſe whom you commanded to ſearch the Lords Journal, and, according to the Order of

of the Houſe, we went to the Lords Houſe, where we ſearched the Journal, but we found no Entry made, but ſome Minutes of the Lord Chancellor's Speech in a Paper; but the Lord Chancellor had taken the Paper to correct, and we ſhould have them as ſoon as they were done.

Mr *Sacheverell.*] Seeing you can no nothing with theſe Minutes, I would do ſomething without them, and not ſit ſtill till the Lords have adjourned till *Tueſday*. Though I am confident of our Right, yet at this time I would give the leaſt occaſion of offence that might be; and proceed by ſuch gentle ſteps as may give the King no cauſe of offence; nor thoſe near the King, to poſſeſs him that we have done ſo. I would look a little back, and yet put no Queſtion upon it. For this reaſon, I have taken ſome pains to look back how the Houſe has proceeded in things of this nature; and of thoſe, the gentleſt Proceedings. This is owned on all hands, that anciently the Speaker made no Excuſe, nor had the Houſe Order from the King to chuſe a Speaker. 5 *Rich.* II. and 2 *Hen.* IV. was the firſt Excuſe that was made. But I would take notice of one thing. Though, of late, Speakers, it is true, have made Excuſes, &c. yet it is as true, that the King has admitted them Speakers. But they have made none, but by leave of this Houſe of Commons.—1 *James*, out of the Journal: Before the Speaker was approved by the King, two or three days, the Houſe not only made an Order to elect another Speaker inſtead of Sir *Francis Bacon*, but in this Seſſion 1 *James*, the King was adviſed, "That Freedom of Speech, and the uſe of the reſt of the Privileges of the Houſe of Commons, were *ex gratiâ*, and not *ex debito*;" and the King ſent them a Letter, "That he was ſatisfied with it." But the Commons addreſſed farther, by way of Repreſentation, how the Uſage of Parliament had been, in that matter, in an humble Petition, "that their Privileges might be continued by way of Decency, but not to yield their Right." But as to the matter now before us, I would only ſtate the Caſe to the King, by way of Repreſentation, "how Uſage of Parliament has been," and wait his gracious Anſwer;

Anſwer; and I doubt not but the King will ſee that he is wrongfully informed in the matter, and will give ſuch an Anſwer as will ſatisfy the Kingdom—And I propoſe that the Queſtion may be for a Repreſentation, &c.

Mr *Hampden.*] I wiſh this matter was come to ſuch an end as might give ſatisfaction both to the King and the Houſe. I am not yet ſo clear as ſtifly to aſſert our Right, nor keep up our Claim. The King gave us a gracious Anſwer, and it took exceedingly with me, and I would have you acknowlege it. The Right of Election of our Speaker no man can contradict. If the King has a Right to chuſe our Speaker, it had been moſt proper when we were before the King. But there is no diſtinction of Privy Counſellors from others in the Houſe, that their preſence is neceſſary when a Speaker is choſen, or that they muſt propoſe him; unleſs they make a diſtinction of themſelves. You have now choſen a Gentleman for your Speaker unanimouſly; one whom you thought qualified for the Employment, and who, you had reaſon to think, would have been acceptable to the King. But if Privy Counſellors muſt propoſe a Speaker, and neceſſarily be preſent at the choice; if there be no Privy Counſellors of the Houſe, by that conſequence you muſt have no Speaker. But the Chancellor ſaid, "The King had other Employment for him." Surely that was an extemporary excuſe, for a Member of Parliament ought not to be employed elſewhere. I hope that, in this matter, you will make ſuch a Repreſentation to the King, as may have a favourable Anſwer, and ſo you may be let into the ſervice of the King and Kingdom; and I would have ſome Gentlemen withdraw and pen it.

Sir *John Ernly.*] You have an undoubted Right of Election of your Speaker. It was hinted here, and confirmed by practice, "That no man was ever named here for Speaker by the Secretaries of State, or the Privy Counſellors, in the King's name;" for the Choice is in the Commons, and it is undoubted that the Refuſal of a Speaker, when choſen, is of right in the King. I will give you the Opinion of Lawyers; that Election is in

one place, and Approbation in another; as in choice of Biſhops. When a perſon is named, probably he is approved of by the King; it is a thing compounded, and generally there is ſuch an intimation that he is acceptable both to the King and the Houſe. The King has declared, " That he will not touch a hair of your Privileges;" but as good Lawyers as any in *England* are of opinion, that the King has and may diſapprove of your choice. As to that cited, 1 *James*, of Serjeant *Philips*, who was choſen Speaker, ſome things preparatory might be done, in order to filling the Houſe, &c. But the Broad Seal for the Writs was not iſſued out for ſome time after. Aſſert the Privilege of your Election as much as you pleaſe, but I would make no more matter of it than to ſtate the thing. But as to the Speaker's being conſtantly approved by the King, you have choſen a perſon that has always been acceptable to him, and therefore he has been always approved: As Sir *Edward Turner*, and Mr *Seymour* twice choſen, Sir *Robert Sawyer*, and Sir *Job Charlton* were.

Sir *Thomas Lee.*] *Ernly* has moved you for a third perſon to be Speaker; but that cannot be, becauſe there is no ſecond perſon appears; ſo that can be no Expedient. But what has been propoſed about the Repreſentation is moſt modeſt. *Ernly* ſays, " That in 1 *James*, &c. the Broad Seal was not iſſued out for ſome time after;" but yet the Broad Seal was iſſued out upon the authority of the Speaker's Warrant precedent. The beſt thing you can do is, to leave the thing as it was before you ſtirred it by the Repreſentation. I doubt not but when you bring not the King in queſtion, the King will let it ſtand as it did. How in the world could we chuſe a perſon more likely to ſatisfy the King than Mr *Seymour*, who, as *Ernly* ſays, has been twice approved? *Popham* had been a ſoldier, and was diſabled by his wounds for the ſervice; and there a cauſe was aſſigned for diſapproving the choice. If it be the King's Prerogative to reject, &c. as is pretended, ſuch an Expedient, by Repreſentation, may be found out. If you do otherwiſe, you have ſpent ſo much time

time very ill, if you preſent another Speaker, and give all up.

Sir *Thomas Clarges.*] No nonclaimer, no diſuſer, can take away Right of Parliament, becauſe all the people have an intereſt in it. A Borough complains, "That they have Right of Election of Members of Parliament, but it has been diſuſed:" The Speaker thereupon ſends his Warrant to the Clerk of the Crown to iſſue out a Writ for Election, &c. As for the opinion of the Long Robe, &c. they may eaſily be miſtaken in this matter, though they be very learned in the Law, for they are not verſed in Law of Parliament; that is another thing. Lord *Coke*, though a very learned Lawyer, was much miſtaken in Law of Parliament: Mr *Prynne* has rectified him in ſeveral miſtakes. In the Journal, 1 King *James*, you will find that the King did think, that the uſual Petitions, at the beginning of a Parliament, of Acceſs to his Perſon, &c. were only Acts of Grace, and that he might deny them; but the Houſe humbly repreſented to him, "That thoſe things were Petitions of Right, and not of Grace." We have a gracious Prince, and I hope he will not diminiſh our Rights and Privileges—Petitions of Right every ordinary perſon claims. If a man be diſpoſſeſſed of his eſtate, he moves the Court by way of Petition of Right, and the King cannot deny Writs of Error, and Petitions of Right, when demanded. In *R.* II's time, there is no mention upon Record, that the Houſe attended the King, becauſe the King can take notice of no proceeding of the Houſe, till the Houſe communicates it to him. The Commons uſually gave notice to the King of their choice of a Speaker, that the King might know who applied to him. I doubt not but the King is as gracious as his Grandfather was, and will be convinced of our Right in the matter of a Speaker.

Mr *Goring.*] Some worthy perſons have taken pains to ſearch Precedents. I would know, whether any perſon but a Privy Counſellor uſually propoſes a Speaker? and then the King, without doubt, knows before-hand who the Speaker is. I have heard Gentlemen formerly

allege it, as an exception againſt Mr *Seymour*, that he was a Privy Counſellor, and therefore excepted againſt him for being Speaker.

Sir *John Cloberry*.] I am glad to ſee the Houſe in ſo excellent a temper to hear a Debate of as great a concernment as can come before you. Firſt it is ſaid, "That the Speaker ought to be preſented by ſome of the Privy Council;" but I take it to be the Right of every Member to preſent whom he pleaſes. Secondly, "Whether it be our undoubted Right?" That is indubitable, the *Modification* of the choice. It has been aſſerted by the Maſter of the Rolls, and he is pleaſed to call the preſenting of a Speaker to the King "a compliment only;" which doctrine, if true, then we have a *conſummate* Speaker; as in *Materia prima* there is a capacity of receiving various forms. The choice of the Speaker is our undoubted Right, but the manner totally and integrally in our Choice. I will begin with Mr *Seymour*, who ſat in the Chair but a while; he made a modeſt Excuſe, and then ſaid, "The Houſe cannot make a Speaker but by the King's Approbation, and he hoped that would be the only thing the King would deny this Houſe." Then, as ſoon as the King's Negative came down upon Mr *Seymour*, it was thought an Infringement of your Privileges. There were never any ſuch Precedents as for us to adhere to our firſt choice. In *Hen.* VI's time, the Speaker was refuſed, at his own requeſt *(Popham.)* The Law is tender of creating a difference between the King and his people, and it may be the King will not deny any Law you adviſe him, only under this *Modification*, "That he has Employment for Mr *Seymour*." The ceremony of excuſing was omitted by Mr *Seymour*—Now you will reduce the King to ſuch a ſtrait, as either to give up his Prerogative, or diſcontent his people. I will not ſay that we have power in this matter; but that we have Right is not yet proved. I had rather give my eyes, hands, and head, than part with this power, if it be your Right; but if it be a flower of the Crown, I would rather die than take it away. *A blot is no blot till it be hit.*

There-

Therefore I move, that the thing may be thoroughly debated, and ſee our own title to it, and not carry a *dough-baked* Repreſentation to the King, that we cannot maintain.

Soon after Sir *John Cloberry* had made an end of his Speech, ſome merrily-diſpoſed Gentlemen ſent a Note from hand to hand about the Houſe, ſealed up, with this ſuperſcription: "To the Right Honourable Lord *Cloberio*, Baron *Dough-baked*, Earl of *Conſummation* and *Modification*, Marqueſs of *Materia Prima*. Frank *Danby*."

Sir *Harbottle Grimſtone*.] Something fell from *Cloberry* that does a little concern me, of a word ſlipped from me, "That the preſenting the Speaker to the King was a compliment, &c." I ſpoke what I meant, viz. "That the Choice of a Speaker is an Act done by the Houſe, and there needed nothing more to be done." When we are called by the Authority of the King's Writ, ſurely it is to do ſome work, and I believe there never was more work to do than now. Nothing but an Act of Omnipotence can carry us through it. We carry the Speaker up to the Lords Bar, to let the King know whom we have made choice of; and he is as much accompliſhed to do our work, to collect Debates for a Queſtion, that every man may ſay Aye or No, clearly to the Queſtion, as if he was preſented to the King, &c. It is not how things will be conſtrued elſewhere, but naturally here. When I had the honour to ſerve here as Speaker, in the Convention, [1660] (though the King called it a Parliament, it has not had ſince ſo great a Reputation,) I was then weak in my health; but thus much I remember, that when we were in Debates, before the King came hither, I was commanded to wait upon the King with the Submiſſion of the Houſe, and after I had been at the Lords Bar, &c. we had occaſion to carry up Votes. If ever the Speaker had made Excuſe, and preſented himſelf for the King's Approbation, the tranſport of joy for the King's coming might have put us upon it. Mr *William Pierpoint* took exceptions at what I then ſaid at the Lords Bar, viz. "That I had not full order for what I ſaid, and was too laviſh of my

tongue." If a Speaker, carried up to the Lords Houſe, as Mr *Seymour* was, and though he excuſed not the accepting of the Employment, yet ſaid, "He ſtood for the King's Approbation," which he was not inſtructed to do, he might well be reprimanded. I am willing to comply with any Expedient in this matter; but I would not part with our Right.

Serjeant *Maynard.*] Gentlemen, I will tell you what I have obſerved in my time. *Cloberry* did well to diſtribute what he had to diſcourſe of; but it is not now ſeaſonable to make a formal determination of the thing. When I heard the Queſtion firſt, I thought it out of all queſtion, but it is not ſo clear and ſatisfactory to me, though I am the King's Serjeant, and ſo ſworn to maintain the King's Prerogative.—*Hannibal ad portas, Catilina intra mœnia.* In *Haman*'s Conſpiracy againſt the *Jews*, *Ahaſuerus* gave them liberty to ſpeak for themſelves, and *Haman* was hanged upon the ſame gallows he had prepared for *Mordecai*. But as to the point in queſtion, I had a clear opinion, led by my Lord *Coke*, of two hundred years practice, that in that time there was no ſuch thing as a public Speaker till 15 *Edw.* III. He ſaid ſo, but I find it not. 5 *R.* II. there was a preſentment of a Speaker. I do but obſerve this, though I do not make any concluſion on one ſide or other. Sometimes it is found that the Speaker goes up to the Lords Houſe, and exerciſes his Oratory in excuſing himſelf, and ſometimes not: But never that the Speaker deſired the King's Approbation, anciently. This Speaker, *Seymour*, after you have choſen him, makes his Excuſe, and you refuſe it, and he goes up to the King and makes it, and carries his Excuſe to another place—This is a Breach of your Privilege. That of Sir *John Popham* was a real Excuſe, and there was a neceſſity to conſtitute another Speaker, for it is impoſſible that a Body of this nature can be without a Speaker. It may be, I may change my opinion with that modeſty which becomes me. I know not what clearly to ſay in it. It is hard that it ſhould be the King's Prerogative, and

yet

yet never exerciſed; and to be called "a Compliment," we may be complimented out of our Right, and this Speaker in his Speech has done it. I know not that ever any one Speaker was refuſed by the King, nor ever any anciently that deſired Approbation. Pardon me if I ſay it, we have had ſuch great diſorders *intra mœnia*, of Sheriffs Double Returns, &c. that theſe things ſpend your time; and your enemies, and Popery, will grow upon you. Therefore I move, that you will not wave your Privilege, nor determine the thing, but take ſuch conſideration in it that you deſert not your Right, nor impoſe upon the King. I am afraid of that objection againſt Mr *Seymour*, his being of the Privy Council—He is ſo much your ſervant as to be your Speaker. May not the King ſhow you the reaſon why he approves not of your choice, viz. "That he has deſigned him for an Embaſſy?"—As yet he has ſhowed you no reaſon. I would not ſo much preſs upon the King, but lay aſide your Right rather than hazard him and the Kingdom.

Sir *Henry Capel.*] Some Rights are more in nature than others: That cannot be denied. This Right of our Speaker, &c. is ſo in its own nature. What the Speaker deſires of the King, "Acceſs to his Perſon," is in the nature of Parliament, whether it be aſked, or no. Whether this be of that nature, now the Commons have choſen a Speaker, that we have Right to him, &c. I offer not to determine. Whatever that Right is, there is a time of declaring that Right, and I think it the prudence of the Houſe not to declare it now the King is coming towards you. As to what is moved, "to appoint ſome Gentlemen to draw an humble Addreſs and Repreſentation to the King," we come hither to ſerve our King and Country, and I am not againſt it.

Mr *Vaughan.*] This is an unlucky omen, to ſtumble at the threſhold, and I rather wonder that from ſuch excellent cauſes ſhould proceed ſuch pernicious effects. We have elected a Speaker, that, one would think, the King had elected himſelf; ſo acceptable to the King! You ſeem to aſſert your Right in the choice of your Speaker. I

would know if the King's Anſwer in this manner, without any cauſe ſhown, may be repeated *ad infinitum?* The 17th of *Richard* II. was the firſt time a Speaker was preſented to the King on Record—2 *Hen.* IV. was the firſt time the King required you to chuſe a Speaker. There is a great difference betwixt rejection of a Speaker by the King, and admitting his Excuſe. That being the caſe, where do we impoſe on the King? It is adviſed, "That ſome Gentlemen may withdraw to make a Petition by way of Repreſentation, &c;" but in that I would aſſert our Right, and I doubt not, but if the King conſults his own Royal Heart, it will have good effect. But by a Gentleman's Argument, if you have no Privy Counſellors to propoſe, &c. you can have no Speaker choſen, and it is not neceſſary a Privy Counſellor ſhould propoſe, &c.

Ordered, That an humble Repreſentation be made to his Majeſty, in the matter relating to the Speaker contained in the Lord Chancellor's Speech.

Tueſday, March 11.

Mr *Powle* reports the Repreſentation, &c. as follows:

"We your Majeſty's moſt loyal and dutiful Subjects, the Commons in this preſent Parliament aſſembled, do, with all obedience, return your Majeſty moſt hearty Thanks for the favourable reception and gracious Anſwer your Majeſty was pleaſed to return to our late Meſſage, wherein your Majeſty was pleaſed not only to allow us longer time to deliberate of what was delivered to us by the Lord Chancellor, relating to the choice of a Speaker, but likewiſe to expreſs ſo great a care not to infringe our Privileges: And we deſire your Majeſty to believe, that no Subjects ever had a more tender regard, than ourſelves, of the Rights of your Majeſty, and your Royal Prerogative; which we ſhall always acknowlege to be veſted in the Crown, for the benefit and protection of your people. And therefore, for the clearing all doubts that may ariſe in your Royal Mind, upon this occaſion now before us, we crave leave humbly to repreſent to your Majeſty, that it is the undoubted Right of the Commons to have the free Election of one of their Members to be their Speaker, and to perform the ſervice of the Houſe, and that the Speaker, ſo elected, and preſented, according to cuſtom, hath, by the conſtant practice of all former ages, been continued Speaker, and executed

that

that employment, unleſs ſuch perſons have been excuſed for ſome corporal diſeaſe, which hath been alleged by themſelves, or ſome others in their behalf, in full Parliament. According to this uſage, Mr *Edward Seymour* was unanimouſly choſen, upon the conſideration of his great abilities and ſufficiency for that Place, of which we had large experience in the laſt Parliament, and was preſented by us to your Majeſty as a perſon we conceived would every way be moſt acceptable to your Majeſty's Royal judgment: This being the true ſtate of the caſe, we do in all humility lay it before your Majeſty's view, hoping that your Majeſty, upon due conſideration of former Precedents, will reſt ſatisfied with our proceedings, and will not think fit to deprive us of ſo neceſſary a Member, by employing him in any other ſervice; but to give us ſuch a gracious Anſwer, as your Majeſty and your Royal Predeceſſors have always done heretofore, upon the like occaſions; that ſo we may, without more loſs of time, proceed to the diſpatch of thoſe important affairs, for which we were called hither, wherein we doubt not but we ſhall ſo behave ourſelves, as to give an ample teſtimony to the whole World of our duty and affection to your Majeſty's ſervice, and of our care of the Peace and Proſperity of your Kingdoms."

Ordered, That Mr *Noel*, Mr *Powle*, Lord *Cavendiſh*, Lord *Ruſſel*, Sir *Robert Carr*, and Sir *John Ernly*, do wait on his Majeſty with the ſaid Repreſentation.

Who being returned, Mr *Powle* reports his Majeſty's Anſwer; which was to this effect:

" *Gentlemen*,

" All this is but loſs of time; and therefore I command you to go back to your Houſe, and do as I have directed you."

Debate.

Mr *Sacheverell.*] I never knew before that ſuch a Repreſentation was " loſs of time." I took this Repreſentation to be as modeſt and dutiful as could be. Divers Repreſentations have been formerly made to his Majeſty, upon ſeveral occaſions, and I did expect that we ſhould have had ſuch an Anſwer to this; and we might reaſonably expect as gracious an Anſwer as formerly, there being nothing but duty in it. But the Gentlemen that gave us this Anſwer, would not let the King give us a direct Anſwer, becauſe it would be under examination here. Therefore they have taken this courſe. It ſeems, they think it " loſs of time"

to

to inform his Majeſty of the ſtate of the caſe about a Speaker. But I would addreſs the King again. In the caſe of the Declaration, ſome time ſince, we did not make one Addreſs, but three, and had ſome rougher Anſwers from his Majeſty than this. Let us juſtify it to the World, that we have done nothing, but in all duty to maintain our Rights. And I move, that we may addreſs the King, that he would pleaſe to take our Repreſentation into farther conſideration, and give us a gracious Anſwer.

Lord *Cavendiſh.*] I am not of opinion that this interruption proceeds from the ſame Counſels, &c.—The laſt diſſolved Parliament was uneaſy to them; and in this, here are too many men of quality and eſtates to diminiſh the Rights of the Crown. On the one ſide, I do not fear this will break this Parliament; and on the other ſide, I would not gratify the deſigns of ill men. It is moſt proper for us now to conſider, whether this thing will admit an Expedient. The Speaker may be made a Lord, a Judge, or an Ambaſſador; and that ends the diſpute. Whereas ſome men fancy that the Speaker is not made without the King's Approbation; if ſo, we give up our Right—Till the King approves, or rejects, it is his choice of the Speaker, and not ours. I would have ſome Gentleman propoſe whether there may not be an Expedient in this caſe.

Mr *Bennet.*] This is playing at *French* hot-cockles. I would not, in this, gratify the deſigns of ill men, who have thrown this bone amongſt us. This is to back and mount the colt with a ſnaffle, and then to bring him on to a bitt and curb. This great Aſſembly is not to be bought nor ſold, but, I fear, the laſt was. It is an Expedient, that Mr *Seymour* comes not to the Houſe; his abſence is an Expedient; but ſtill aſſert your Right. I would not have him that is named by the Privy Council, *(Meres)* but ſome other.

Sir *Thomas Lee.*] I never took that for an Expedient, that was a total quitting of your Right. I think, Time is precious; but I do not think that if this matter be not quieted, the Parliament will be diſſolved. I have ſeen

Anſwers

Anſwers from the King much blacker than this. This caſe is of a very great nature, and if once things of this kind come to be refined by diſtinctions in Debate, we may refine away the greateſt Privileges we have. One Parliament called ſo ſoon after another has not been for ſome time. That called in 1640 ſat but three weeks, and the King repented half an hour after he had diſſolved it, and then another was called; and there is no danger to the Kingdom though we are ſent away. And wherein does a new Parliament differ? They are the People ſtill in another Parliament, and I hope no man will be alarmed with that. I wonder not that Mr *Seymour* is abſent; he knows not what place to ſit in, without diſpleaſing the King. The King anſwers your Repreſentation, "that this is loſing time," and there is nothing remaining upon your Books whom you have choſen for Speaker (for till you are qualified by the Teſts you can enter nothing;) but it is entered upon the Lords Books, "That your choice of Mr *Seymour* is diſcharged, and you are directed to chuſe another man." And what Privilege will you gain by an Expedient? When the practice has been always with you of chuſing, you will get no reputation by an Expedient. I would addreſs the King again in this, &c. and hope for ſucceſs. When Secretary *Williamſon* was committed to the *Tower*, the laſt Parliament, the Commons had an Anſwer, &c. and rougher things followed: The Act for the Militia was rejected. But if you addreſs again, I hope the King will anſwer you by the advice of his Council.

Mr *Vaughan.*] Your Queſtion is not now, whether you ſhall inſiſt upon Mr *Seymour* for Speaker, &c. but your being called hither to conſult *de arduis regni negotiis.* When your Privileges are invaded, what way have you to do what you came hither for? I ſpeak now becauſe the Parliament is ruining—Perhaps our Prince is miſinformed, and he does not look upon our Paper, nor conſider it. Whatever you do afterwards, preſs your Paper now; but at the beginning of a Parliament, do not give up your Right.

Mr

Mr *Williams*.] This is no "loſs of time," but will be "loſs of Right," if you inſiſt not upon your Privileges. And plainly, if the Right be with us, ſhall we ſit ſtill, and let it be invaded? And you, in Parliament give away the Right of Parliament? Acquieſce in your Right, one way or other, and have a fair Queſtion for it, and part not with it ſo eaſily.

Colonel *Birch*.] I ſpeak at this time under ſome diſorder and great fear. This matter before us requires as great and ſerious conſideration as any thing that has happened in my time. When the laſt Parliament left things, many things concerning the Gentlemen in the *Tower* were undiſcovered; and many were under the fear of it. This is ſo plain a thing, that ſcarce a man but will be deſcanting upon this point. Undoubtedly your Speaker is choſen, and ought not to be rejected without cauſe ſhown why; but thoſe are not true conſequences, "That the King may, by the ſame reaſon, refuſe all Speakers and Bills too." I deſire to do that here, that, if any miſchief follows upon it, we may anſwer it. We have ſhown our opinion of Mr *Seymour*, and have ſtuck to him as long as we could. It ſeems, the King has occaſion for him, and you may chuſe a third perſon; whoever does this, I am apt to think, will do more. I deſire none will prejudge—Greater things than this muſt be debated. Whoever threw in the bone, the King will ſee that we ſtep over this to oblige him—I hope he will let us go currently in our buſineſs. The King's Anſwer to me looks as if ſomething was reſolved on, and then I doubt whether we are able to anſwer to God and thoſe that ſent us hither, in the reſult, if we too much inſiſt upon our Right, &c. In the choice of a third perſon, it loſes not our liberty, but, I believe gains a ſtep.

Mr *William Harbord*.] I was never reduced to ſo great a ſtrait how to give my opinion, as I am now. Did I think this was giving up your Rights, I would be the laſt man that ſhould give my conſent to it. I think the King has power to deny his approbation of a Speaker. Suppoſe it ſhould ſo fall out that any Parliament ſhould make

make choice of a Speaker to-day, and that Gentleman ſhould be ſo unhappy as to wound any man, and that man be in danger of his life, and the King ſhould ſay, "I am informed of ſuch a thing:"—Or that the Speaker you had choſen had had a hand in this Conſpiracy of the Papiſts—*He was taken down to Order by*

Sir *Harbottle Grimſtone.*] Really we are in great diſorder, as to Arguments, on both ſides. The point in Debate is the King's Approbation and Reprobation of a Speaker choſen—As well give it up and *monſtrari digitis*—The Speaker we have choſen, Mr *Seymour*, has declared his abilities—And ſome Speakers may ſo ſpoil a Queſtion that you may never do any buſineſs. If the King has ſuch a Prerogative, that the King may ſay "No" to our choice, it may ſerve a turn to knock another Speaker down as well as this, and ſo we ſhall become utterly uſeleſs to the intent we were ſent hither for. In this great ſtrait, if an Expedient could be found out, if we could make our Claim on Record, as well as the King's Refuſal on the Lords Book;—but that appears there, and ours does not, and is no where for us. As this now ſtands, were there not ſomething elſe in the caſe, we would eaſily part with it. It is a great advantage for the King to ſet up his Throne in the hearts of his people—There will be great difficulty in an Expedient in this matter; and that muſt be with great patience and kindneſs to hear one another. If the King pleaſes to call Mr *Seymour* to the Lords Houſe, all is free and at liberty, and we may proceed to the choice of another, and our Privileges will be ſafe, &c. But ſince we are between two rocks, it becomes prudent men to go where the leaſt danger is—But I know not what to propoſe.

Sir *Edward Dering.*] I am not ſo ſuperſtitious, that, becauſe we ſtumbled at the threſhold, we ſhould leave off our journey; and I hope we ſhall be at our journey's end. I hoped, that, after two or three days, and the conſideration of the merits of the perſon, and our choice, the King would have admitted Mr *Seymour*, &c. But ſeeing he does not, I would proceed to another choice. There is no

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Precedent directly in the caſe, of our power, &c. In this doubtful caſe, I would conſider in prudence what is to be done. All know our diſſatisfactions at home, and that we have a powerful enemy abroad. We have a reſtleſs faction at home of Papiſts. We are in a very bad and helpleſs condition. Suppoſe the King ſhould diſſolve this Parliament, upon this point, and call another, it will be a diſcouragement to Gentlemen to come again; and if there be no other conſequence of our pains than to ſit but a week, Gentlemen will not be ambitious of that truſt. Conſider, whether we can anſwer it to the Country, if we break upon this point. If it be ſaid, "That if the King refuſes one Speaker, he may refuſe five hundred, and has not refuſed any, theſe hundreds of years," that is a ſtrange inference. I think it the beſt Expedient to chuſe a third Perſon.

Mr *Garroway*.] I am not much frighted, nor much invited to ſit, ſince I find, at the beginning, what entertainment you are likely to have at the latter end of the Parliament. We are only unhappy that the King does not conſider our Repreſentation—Let us try the King, whether he will or no, for one day. I would not yield up our Right, and, I believe, the King will find out an Expedient, and neither infringe your Liberty nor his own Prerogative. I have known whole Seſſions defeated in a day, by a Prorogation, and if this be done, by the ſame Counſel it may be again. I pray that, with all duty imaginable, the King may be farther addreſſed in the matter; and if he will not give us an Anſwer, then I would put the Queſtion of our Right.

Sir *Thomas Clarges*.] This point of Prerogative, that has ſtuck theſe hundreds of years, will raiſe that other ſcruple to break you. There is great difference betwixt matters of Grace and matters of Right. This of chuſing our Speaker, &c. is ſo much of the Eſſence of Parliament, that we cannot part with it. When was any Speaker, that was preſented, ever refuſed? If nothing of that be, but abſolute power in the King; ſuppoſe five or ſix Subſidies ſhould be demanded, and you make application

to

to the King, and repreſent, " That the Commons are poor and cannot raiſe them all," and the King ſhould anſwer, " Go your ways, conſider what I have ſaid, and raiſe them"—I am afraid that, when you have choſen your Speaker, and that is over, ſtill you will have blocks and interpoſitions in the way, and ill Counſellors will be encouraged to adviſe yet worſe. The ſame Anſwer may be given to our three requeſts of " Freedom of Speech, &c." which are uſually made by the Speaker, &c. In 1 *James*, the Commons made a long Repreſentation of their Right to thoſe three Privileges of Parliament. If my Borough that I ſerve for ſhould aſk me, " Why we did not chuſe another Speaker?" I will anſwer, " Becauſe I will not part with their Right." I adviſe, therefore, that we do as was done in the former King's time, in the Petition of Right; that we apply to the King for a better Anſwer to our Repreſentation.

Serjeant *Maynard.*] This is not a Queſtion to put the ruin of a Nation upon. The laſt Parliament, purſuing things with zeal and truth, yet were diſſolved. I could not have believed it. I believe that Gentlemen have in this matter ſpoken their hearts, and I believe I ſhall ſpeak mine too. What is your evidence for this Right that you pretend to? From *R.* II's and *Hen.* IV's time, there has been no denial of the Speaker that you have choſen, &c. Becauſe it has not been denied, cannot it be denied? Why do you let the Speaker excuſe himſelf at the Lords Bar, and not accept his Excuſe here? If a man can ſhow the fruits of his ancient poſſeſſion, though his evidence be loſt, yet that goes a great way. It is ſaid, " By this we ſhall loſe our Privilege, and Speakers may be rejected without end." It cannot be preſumed that our Speakers will be rejected till one be got for the turn; that will be too groſs. We come here for the good of the King's Crown, and the Government, and Poſterity, as well as for our own preſent good. If we demand juſt Laws of the King, he grants or rejects them, and it is matter of Grace, and not of Right; and that is a greater Prerogative than rejecting or accepting a Speaker. That which

which aſtoniſhes me is, we have dangers at home and abroad—This matter of Right is not clear to me. But it is clear that we ſhall be ruined by a breach with the King.

Mr Sollicitor *Finch.*] I think it a good Expedient to chuſe a third perſon for Speaker, and I think it not fit to repreſent to the King what he has twice denied us. The King's negative power is as much as chuſing a Speaker —Not all one.—

Mr *Vaughan.*] What higher Teſtimony can a Subject have for all he has than Records?—I would not ſhow the way here to cancell Records. When we conſider that thirty Laws were broken by the Declaration for Liberty of Conſcience, and Money given for a Fleet, and we had no Fleet, Money for an Army, and no War, what cannot we ſuppoſe? What remedy can we have, when the King will not ſo much as look upon our Petition, that has all our Rights?—The ſame Counſel put him upon this. This is but beginning to ride a Parliament. Languiſhing perſons take phyſic, not out of hopes to be cured, but to prolong their life ſome time. I fear that may be our caſe.

Colonel *Titus.*] There are not worſe Counſels than have been given by thoſe about the King, and I expect no better from them. Nobody will deny that the choice of a Speaker is in the House. Lord *Coke* grants that the choice of a Speaker is a *Congé d'elire*—But the Biſhop is choſen, in effect, and named by the King; but the Speaker is not. Let Gentlemen ſhew me any Law or uſage to the contrary. If there be none, we have reaſon to think the King has no Right, &c. and ſomething is at the bottom that we know not of. A Speaker has been choſen, and laid aſide; but never but incaſe of diſability; as in Sir *John Popham*'s caſe. *Cheney* was choſen here, and was excuſed, and Sir *John Dorwood* was choſen in his place, and till he came up to the Lords to be preſented, &c. the King did not know of any body that was choſen. We all know that anciently the firſt demand from the Commons was, "That the King would be pleaſed

pleaſed to confirm *Magna Charta* and *Charta de Foreſta.*" I would know whether the King had a Right to annull thoſe Laws; and that the people were not puniſhed for breaking them? I ſuppoſe this to be our Right (for all are not of equal moment) and all are bound to aſſert it, yet not to venture their necks upon it. This matter is not of that laſt importance as to venture the Kingdom upon it. If the King denies one or two Speakers, he may deny ten, till he have one to ſerve a turn: It is poſſible, but not probable. The words of the Writ that calls us hither are, "to conſult *de quibuſdam arduis Regni negotiis*"—and all that is to give Money: An empty Exchequer, and a full Houſe! Will the King loſe his Money, do you think, by putting by forty Speakers? I would not have that Argument paſs, that if we chuſe not another Speaker, we ſhall be diſſolved. When once a Parliament is ſo fond of their places, and ſo fearful of a Diſſolution, that Parliament did never do any good. Gentlemen did not expect ſuch an Anſwer from the King; but when I conſider who was the Counſellor of it, I wonder not at all at it. I move you to adjourn till to-morrow morning eight of the clock.

The Debate was accordingly adjourned by the Clerk.

Wedneſday, March 12.

[The adjourned Debate reſumed.]

Sir *John Cloberry.*] Moves, that the Queſtion may be put for the chuſing another Speaker.

Mr *Trenchard.*] The King has no right to reject our Speaker, but ancient uſage has been to the contrary. Conſider the nature of the thing; if the caſe be doubtful, we ought to inſiſt upon it. It is a great inconvenience to the Houſe to have no Speaker; and more for the King; and where it is ſo, it ought to turn the ſcales. We are told of "dangers abroad and at home." But that is more to give Warrant for us to give our Rights away. Thoſe perſons who formerly have made miſunderſtandings betwixt the King and Parliament, I ſee, will continue

it: As yet you cannot honourably admit of an Expedient. At preſent, you have humbly addreſſed the King, by way of Repreſentation of your Caſe; and the King has given you ſuch an Anſwer as was never yet given to any Houſe of Commons. You expoſe the honour of the Houſe to cenſure, if you give up your Right upon ſuch a ſlight Anſwer. I would therefore addreſs the King for a farther Anſwer.

Sir *Hugh Cholmondeley.*] As far as I can gueſs, this Queſtion is better to be left undetermined than determined. If the King can refuſe a Speaker, he may refuſe ſeveral. If the King has not liberty, &c. he cannot diſplace, upon excuſe of infirmity. We had better begin anew, and leave it as it was. It was moved, "That the King might cauſe nothing of this matter to be entered upon the Lords Journal." I propoſe that way as moſt expedient.

Sir *John Knight.*] You have adjourned that very Debate to this day, and your Right of chuſing the Speaker is your proper Debate, and you can go upon nothing elſe.

Sir *Harbottle Grimſtone.*] It has been our work four or five days to find out an Expedient in this matter, and we cannot. The King has been ſo adviſed, that we chuſe any Member but one; which is as much as to ſay, "Chuſe whom you will but twenty." Except one, and except twenty. It was a ſaying of King *James*, "That when he called a Parliament, he let down his Prerogative to his people; but when he diſſolved a Parliament, he took it up again; not for his pleaſure, but for his power." If one Addreſs will not do, I am for a ſecond and a third to the King.

Sir *John Hewley.*] I would ſerve my King and my Country, but cannot be in a capacity to give up this, now we have debated the matter, and give up the cauſe for ever. Shall not we have our tongue to ſpeak our own words? As for that Precedent in Lord *Coke*, &c. Judges do not concern themſelves in Parliament, and that is the reaſon they look not into thoſe caſes. But I believe,

believe, if Lord *Coke* had been here at this Debate, he would have changed his opinion. For continuance of this Privilege for two hundred years is great authority. But it is ſaid, "*Ab initio non fuit ſic*"—It is a voluntary Act, and no poſitive Law; a thing done only out of reſpect to the King. It is ſaid, "That a Speaker has been rejected by the King, and that is an evidence of the King's Power"—But that is materially on our ſide; *exceptio probat regulam in non exceptis.* Sir *John Popham*, who was rejected, was ſick. This perſon, Mr *Seymour*, not diſabling himſelf by any excuſe, and being a perſon ſo near the King as a Counſellor, it is no breach of reſpect to the King to make another Addreſs, &c. I look upon it as an undoubted Privilege of the people, and it may prove fatal to give it up, when for two hundred years never any Speaker was preſented to the King, but *Popham*, and he for the cauſe of his diſability, &c. When Serjeant *Philips* was choſen Speaker, and placed in the Chair, he iſſued out his Warrant for Writs, and the Great Seal obeyed them, before he was confirmed by the King. The King ſays, or generally by the Lord Chancellor, "Go, and chuſe your Speaker;" not "Go to your Houſe, and chuſe whom I nominate," but "Chuſe your Speaker:" Shall this be taken away by a ſide-wind? *A facto ad jus non valet conſequentia.* The Speaker is our ſervant, and is he to obey his maſter, or no? Though the Speaker be the greateſt Commoner of *England*, yet he is not the greateſt Community of *England*. To have a ſervant impoſed upon a man, though by the King himſelf, will not be ſuffered by any private maſter, or merchant; and ſhall the Commons of *England* endure it? The reaſon of it will give you light. The caſe of *Mitton*, in Lord *Coke*'s fourth Reports: The King created a Sheriff of a County; the Sheriff, by virtue of his Office, makes his Under-Sheriff; but the King created an Under-Sheriff. The Judges agreed that the King could not do it, becauſe the High Sheriff was to anſwer for his Deputies, if the King cannot. Shall the King

put a tongue into our mouths, to ſpeak for us? I would make a Re-Addreſs to the King, as has been moved.

Sir *John Reresby*.] If you put the King upon a Diſſolution of the Parliament upon this point, though ſome Gentlemen ſay, "they do not fear it, becauſe of the King's neceſſity for Money;" the King's neceſſity is his people's neceſſity; and if we have ſo little conſideration of the King's neceſſity, the King may have as little of ours; therefore I move that you will nominate a ſecond or third perſon, &c.

Sir *Thomas Exton*.] I ſhall not enter into the Debate of the King's Prerogative in this matter. That has been ſufficiently ſpoken to, and I can add nothing. I am not of opinion, that to wave it now is to give it up for ever. The City is on fire, and one comes and blows up my Houſe, which is my Right, but upon that extremity I wave it. No man will ſay that this is our Right; and as the King has given up his Right by our free choice of a Speaker, as he has directed you, it is no yielding the point.

Mr *Garroway*.] It is the conſtant method of Parliament, that, upon an adjourned Debate, the Queſtion ought to be read.

It was read accordingly.

Sir *Edward Dering*.] It ſeems to me, all circumſtances conſidered, the conſtant practice to the contrary—The Mace comes down from the Lords Houſe before the Speaker, and does not go up before him. It came not down now before him; and I believe Mr *Seymour* did not think himſelf well ſettled in the Chair without the King's allowance; and what difficulty would the Gentleman be in, were he here? Many of thoſe Privileges we now enjoy are of later date than this we now pretend to. That the King can refuſe a Speaker, upon reaſon given, we ſee has been, and the King has now given a reaſon, why he approves not of your choice; "Becauſe he has employment for Mr *Seymour* in another place." In ſome books, we find we have aſked the Lords conſent. *Onſlow*, when Speaker

Speaker here, was called by Writ to the Lords Houſe to aſſiſt there, and he was ſent down hither again upon requeſt of the Commons. I move that a third man may be choſen.

Mr *Bennet.*] It is your Right to chuſe your Speaker, and to turn him out too. When you re-addreſs the King, I would conſider who put this bone amongſt us; and put that into the Addreſs. I am not afraid of diſſolving. He that did this will keep it inch by inch, and upon Hue and Cry; this man *(Danby)* is as remarkable in the North, as ſomebody *(Clifford,)* was in the Weſt.

Mr *Williams.*] Your Debates ought to be applied to your Queſtion. To debate, that it is the Right of the Houſe to chuſe, and the King to refuſe a Speaker, I am ſorry to hear that now, when your Repreſentation to the King has plainly aſſerted the thing. When that appears to be your general Opinion, I take it to be a very ſtrange thing now to debate the contrary. But ſince you are gone out of the way, pray come in again and aſſert your Right. Prerogative does and muſt conſiſt, and the eſſence of it, as much in Cuſtom as any of our Privileges. Now the buſineſs of the five days is to make a Precedent in your Houſe againſt yourſelves as it were. Dr *Exton*, who is in another orb of the Law, would let your Right ſleep now, to reſume * it another time. Now Popery and foreign fears are upon us! I have ever obſerved, that Prerogative once gained was never got back again, and our Privileges loſt are never reſtored. What will become of you when a Popiſh Succeſſor comes, when in King *Charles* II's time, the beſt of Princes, you gave up this Privilege? When you have the oppreſſion of a Tyrant upon you, and all ill Counſels upon you, what will become of you? Now you have none to ſtruggle with, but ill Counſellors and a good Prince. I will lay this as heavy upon Counſellors as any man can lay it upon man. I am as willing to heal as any man, but can you lay this aſide with ho-

* See Sir *Thomas Exton*'s Speech above. He was a Member for the Univerſity of *Cambridge*, and LL. D.

nour,

nour, having repreſented it already? He that made this Queſtion cannot want another to play with, and then you will be ſent home maimed in your Privileges, wounded in your body. This is gagging the Commons of *England*, and like an *Italian* revenge, damning the ſoul firſt, and then killing the body. The Repreſentation you have delivered, is very moderately penned; and will you receive this manner of anſwering? When you have preſented an humble Petition, what ſort of Anſwer do you receive? Do you not, by laying this aſide, ſet up a worſe Precedent than you have had an Anſwer? I have that in my mind which I cannot ſo well expreſs, but Gentlemen may eaſily imagine. By good Counſel, the King may heal all this, but it will never be in the power of the Houſe of Commons to retrieve it, if you give up your Right.

The ſecond humble Repreſentation to his Majeſty:

"*Moſt Gracious Sovereign*,

"Whereas by the gracious Anſwer your Majeſty was pleaſed to give to our firſt Meſſage in Council, whereby your Majeſty was pleaſed to declare a reſolution not to infringe our juſt Rights and Privileges, we, your Majeſty's moſt dutiful and loyal Commons, were encouraged to make an humble Repreſentation to your Majeſty upon the choice of our Speaker, which on *Tueſday* laſt was preſented to your Majeſty by ſome of our Members, we do, with great trouble and infinite ſorrow, find by the Report that was made to us, by thoſe Members at their return, that your Majeſty was pleaſed to give an immediate Anſwer to the ſame, without taking any farther conſideration thereof; which, we are perſuaded, if your Majeſty had done, what we then offered to your Majeſty would have ſo far prevailed upon your Royal Judgment, as to have given your Majeſty ſatisfaction, as to the reaſonableneſs thereof, and preſerved us in your Majeſty's favourable opinion of our Proceedings: And ſince we do humbly conceive, that the occaſion of this Queſtion hath ariſen from your Majeſty's not being truly informed of the ſtate of the caſe, we humbly beſeech your Majeſty to take the ſaid Repreſentation into your farther conſideration, and to give us ſuch a gracious Anſwer, that we may be put into a capacity to manifeſt our readineſs to enter into thoſe conſultations which neceſſarily tend to the preſervation and welfare of your Majeſty and your Kingdoms."

Ordered, That this be preſented to his Majeſty by the ſame Members that preſented the other Repreſentation.

Mr

Mr *Powle* reported, That they had preſented and read it to his Majeſty, and that his Majeſty received the ſame, and ſaid, "I will return you an Anſwer to-morrow."

Thurſday, March 13.

The Commons being met, in expectation of his Majeſty's Anſwer, about eleven of the clock the King ſent the Black Rod for them to attend him in the Houſe of Lords, which they did; where

The Lord Chancellor ſaid, "That it was his Majeſty's pleaſure that this Parliament be prorogued to *Saturday* the 15th of *March* inſtant. And accordingly it is prorogued to that time."

~~VI.~~
~~IV.~~

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